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ABSTRACT

An overview of Federal-Indian relations is presented, with the role of the Bureau of Indian Affairs (BIA) being examined in terms of management of these relations. The objectives of this study were to provide understanding of the fears the American Indians have regarding termination motives attached to present Federal programs for Indians and also to propose recommendations reflecting Indian thinking. Discussed in the document are (1) the Federal Government's imposition of termination policy either in actuality or in its attitude, which has resulted in a psychological barrier to Indian socioeconomic development; (2) the ineffective and self-defeating programs and policies of the BIA; and (3) the Indian's attempted involvement by way of recommendations and proposals that have been ignored, overlooked, or inadequately treated. Among the recommendations, the study lists (1) acceleration of Indian progress through effective implementation of Indian policies encouraging self-determination and (2) restructuring of administration of the BIA. Organizational charts of present BIA and proposed changes are included. [Not available in hard copy due to marginal legibility of original document.] (EL)

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THE AMERICAN INDIAN AND THE BUREAU OF INDIAN AFFAIRS

1969

A Study, With Recommendations

by

Alvin M. Josephy, Jr.

February 24, 1969

Reproduced by:

The Indian-Eskimo Association of Canada
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To: Mr. James Keogh, The White House

From: Alvin M. Josephy, Jr.

Per your request of January 16, 1969, I am pleased to submit herewith a study of the Bureau of Indian Affairs. The American Indian and the Bureau of Indian Affairs - 1969, with recommendations.

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THE AMERICAN INDIAN AND THE BUREAU OF INDIAN AFFAIRS - 1969

A Study With Recommendations

I. A FIRST PRIORITY

In 1961, when President John F. Kennedy's administration took office, the Indians of the United States were confused, disoriented and filled with anxiety and worry. Considerable progress had been made under the enlightened Indian Reorganization Act of 1934, which, bringing to an end a long and Indian-impoverishing allotment policy, encouraged tribal self-government, extended a minimum of financial credit to the tribes, commenced an improvement in the Indians' economies and educational and health facilities, restored certain freedoms to the Indians, and promoted a revival of their cultures and therefore a pride in themselves. In 1953, with the passage of House Concurrent Resolution 108 by the 83rd Congress -- an attempt to hasten Indian assimilation by declaring Congress' intent to terminate federal relations with the tribes at the earliest possible date -- this progress had been sharply halted. Several tribes were hastily and ill-advisedly 'terminated' and plunged close to economic and social chaos. Policies and programs within the Bureau of Indian Affairs were halted, reversed, or redesigned to hasten the tribes to termination. All tribes felt the threat and became immobilized; ready or not, they faced the prospect of being turned over to the states, most, if not all, of which could not or would not assume the services, protective responsibilities and other obligations which the federal government had originally assumed by treaties and various agreements in the past and which the tribes still urgently required.

The application of the termination policy, which almost immediately resulted in hardships, new problems, and results exactly opposite to what had been intended, brought increasing protests from the tribes, persons knowledgeable about Indian affairs, state legislators, governors and Congressmen, who criticized the policy as premature, ill-advised, and wrong because it was imposed on tribes without their consent. The inadvisability of proceeding with implementation of the policy finally became clear to Congress and the administration, and on September 18, 1958, Secretary of the Interior, Fred A. Seaton, finally announced that no tribes henceforth would be terminated without its consent and that the thrust of federal Indian policy would be redirected toward the health, education and economic development of the Indians.

By then, however, serious and enduring damage had been done to the progres of the Indians and to the federal - Indian relations. The Indians were suspicious of the government and either hostile or passively resistant to policies and programs. The programs themselves were confused and largely undermined, for now a fuzziness existed over just what the national Indian policy actually was. A Summary Report on Indian Affairs by the Commission on the Rights, Liberties, and Responsibilities of the American Indian, released by the Fund for the Republic, Inc., in January, 1961, stated:

> 'From the date of Seaton's speech until 1961, confusion has existed, the Secretary seeming to espouse one policy and the Bureau of Indian Affairs another. All the time, moreover, Joint Resolution 108, stating the policy of Congress, has been in effect.'

In such a situation, the Bureau itself became increasingly torn and ineffective, and when the new Secretary of the Interior, Stewart Udall, took office in 1961, morale within the Bureau was described as low.

The principal harm, however, which continued as a hobbling theme in all Indian affairs throughout the Kennedy and Johnson administrations and which still in 1969 demands initial priority attention by the new administrations in the field of Indian affairs, was the inculcation among the Indians of what has been called a 'termination psychosis,' an almost ineradicable suspicion of the government's motives for every policy, program, or action concerning the Indians.

Even before the Kennedy administration took office in 1961, the Fund for the Republic was only one of the many sources that had pointed out the emergence of this new and frustrating phenomenon that would make the acceptance and success of any proposal in Indian Affairs more difficult to achieve. Soon after the new administration took office, Secretary Udall, in February, 1961, appointed a Task Force on Indian Affairs (its report, findings and recommendations will be alluded to later in this study), which conducted hearings among Indian groups throughout the country. In the opening pages of its report to the Secretary, it noted:

> '...Indians, fearful that termination will take place before they are ready for it, have become deeply concerned. Their preoccupation was reflected in vigorous denunciation of the so-called "termination policy" during the many hearings which the Task Force conducted with Indian leaders. No other topic was accorded similar attention. It is apparent that Indian morale generally has been lowered and resistance to

> 'transition programs heightened as a result of the fear of premature Federal withdrawal. Now, many Indians see termination written into every new bill and administrative decision and sometimes are reluctant to accept help which they need and want for fear that it will carry with it a termination requirement.'

Taking its cue from the Udall Task Force Report, the Kennedy administration placed its emphasis on the development of the Indian people and their resources and avoided all talk of termination. Principally by personal contact with tribes and individual Indians in the field, Commissioner Philleo Nash was gradually able to allay many fears and restore in large measure the Indians' faith in the government. But although the Bureau's relations with tribes improved, the fears never died completely and, on occasion, were violently reawakened.A termination amendment placed on the Congressional Act granting reparations to the Seneca Indians of New York State for the taking of reservation lands by the Kinzua Dam project spread alarm among all tribes in 1964. Months later, the replacement of Commissioner Nash by the present Commissioner, Robert Bennett (an action resisted by Nash and not adequately explained to the startled Indians), was accompanied by renewed termination talk in the Senate that, coupled with the manner of the Nash departure, frightened the tribes once more and led to the calling of a hurried, emergency inter-tribal meeting in the Southwest.

By 1966 termination fears, based on the knowledge that, despite passionate and unending Indian appeals, Joint Resolution 108 was still unrevoked, were almost as pronounced as they had been in 1961. Their intensity and depth were revealed during hearings for the Department of Interior's so-called 'Omnibus Bill' of Indian economic development legislation, conducted among Indian leaders in the field, and in the Indians' opposition to the resulting Indian Resources Development Act of 1967. Most Indians stated that while parts of that bill seemed on the surface to be highly desirable, other parts headed them straight toward termination, and they would therefore have nothing to do with any part of the bill. At the same time, a 1966 White House Task Force on Indian Affairs (also to be discussed more fully later in this study), attempting to propose new policies and programs for the Indians, reported:

> 'Because of the policy of termination between 1953 and 1958, no programs can be developed which in any way indicate to the Indian that they might really be utilized finally to separate him from his land. To a considerable extent the termination issue poisons every aspect of Indian affairs today. The issue of termination is a major psychological barrier to Indian socioeconomic development.'

In 1969 the termination issue still 'poisons' Indian affairs and causes almost every proposal and act of government in the field of Indian affairs to be viewed by the Indians, first, with suspicion and genuine concern for possible hidden termination motives or results.

It is the purpose of this study to provide an understanding of the shape and substance of present-day federal-Indian relationships and the ability of the Bureau of Indian Affairs to serve efficiently as a vehicle for the management of those relations, as well as to make recommendations for a course upon which to embark in 1969. But among the questions to be examined are where, if not in the Interior Department, should functions of federal-Indian relationships be placed; what, if any, restructuring should be considered within the Bureau of Indian Affairs; which programs and their administrations require changes? Any proposed alteration from the status quo would obviously stir again the embers of the Indians' fear of termination -- the same embers which, ingreat part, nullified the lengthy labours of the 1966 White House Task Force and relegated its recommendations to a file cabinet, and doomed all Titles, good and bad, of the Indian Resources Development Act of 1967, despite a special Presidential message that asked for its passage.

Therefore, this study is preceded by an intial proposal, the purpose of which is to remove as effectively as possible the fear of termination as a motive from the body of the study itself and the recommendations it includes.

It is not necessary to argue the wrongs versus the motives of the termination period of 1953-58, or review the specifics of the human damages that occurred. Recognition that the policy should not again be enforced is today so widespread that Indians, as well as all non-Indians knowledgeable about Indian affairs, enthusiastically applauded the statement by President Nixon, addressed to the Indian people through the National Congress of American Indians, on September 27, 1968, during his campaign for election.

> 'Termination of tribal recognition will not be a policy objective, and in no case will it be imposed without Indian consent.'

This was a clear, reassuring statement, but now that the new administration has assumed office it requires, at the earliest convenient opportunity, reiteration to the Indian tribes and peoples. There is a new Secretary of the Interior. It is obvious that there is a new look being taken at Indian affairs. The Indians are again nervous. During the next to last week of

January, 1969, the Executive Committee of the National Congress of American Indians met in Washington. The Republicans, under whom the termination policy had been enforced, were back in power. Was a campaign promise to be kept? What was really going to happen? The Indians could not find out and went home uneasily. Their distress, already communicated to numerous non-Indian groups interested in their progress, is heightened by the realization of the unique relationship of the Indians to the American government, resting, as it does, on the sober fact that Congress has plenary power over the tribes. Unlike all other Americans, the Indians are subject to policies that have been made for them, often against their will. They are peculiarly sensitive to every nuance of government, for that government, they believe, can do anything it wishes with their lives, property and fortunes. Hence, the administration and its Indian policies is their all, frightfully close to them, frightfully meaningful.

> It is therefore recommended that the Administration, hopefully through the President himself, find and take advantage of an opportunity to address the Indian people, possibly through the National Congress of American Indians in Washington, re-enunciating the statement given the Indians on September 27, 1968, particularly as it refers to termination, and making clear the new Administration has no intention of disrupting the Indian peoples by new directions in policy, but will carry out the promises made on September 27, 1968 and make them meaningful.

Such a statement will not only have great meaning for the American Indians and prepare the ground for productive federal-Indian relations in the years immediately ahead, but will receive the approving reaction of all alienated and dispossessed peoples as well as those in the United States and in other nations to whom the treatment of the American Indians is symbolic of the broadest attitudes of the Administration.

II. THE CONTEXT OF THIS STUDY

It has been said often enough, and with great truth, that expert knowledge of the cultures and histories, not along of Indians generally, but of the many separate tribes, is needed to understand Indian needs, desires, actions, and responses, as well as to work intelligently and compassionately with Indians to help frame, administer, and service policies and programs for their benefit.

There is no doubt that many of the failures of frustrations that mark the course of federal-Indian relations, past and present, can be ascribed to deficiencies of knowledge about Indians among non-Indians who are involved in managing Indian affairs. Indians have long complained about officials who listen to them but don't seem to understand them, and many of the complaints and criticisms that Indians level at the Bureau of Indian Affairs result from actions and programs that were imposed by well-intentioned whites, but bear no relation to the realities of what a tribe, fashioned by a particular history and culture, needed, desired or could accept and carry out the success.

The Peace Corps, which oriented its enrollees in the background and cultures of the peoples to whom they were being sent, might have taught the Bureau of Indian Affairs a lesson. But even today, little attention is paid to such instruction of Bureau personnel, and in its proper place in this study a recommendation will be made on that subject. In this section, however, it is appropriate to make several general observations as necessary prerequisites for a more vivid understanding of the implications of the findings and recommendations in the following portions of this study. In a sense they provide a basis and context for a realistic approach to federal-Indian relations in 1969 and to what, if anything, requires rethinking and change.

1) In the great mass of treaties, statutes, laws and regulations that have been built up during the long course of federal-Indian relations, the non-Indian, to use an analogy, often becomes lost among the trees of Indian affairs and too rarely steps back far enough to see the forest whole. He forgets basic truths about Indians that must never be forgotten, if only because they are in the minds of the Indians with whom non-Indians are trying to work. It would appear unnecessary to restate such facts that the Indians were here for thousands of years; that this is their homeland; that they evolved their own distinctive cultures and did not share

the points of view, attitudes, and thinking that came to the rest of the American population from Judeo-Christian and western Civilization legacies; that although the Indians were conquered militarily (and are the only portion of the American population that reflects that experience), they are confirming a lesson of history, namely that no people has ever been coerced by another people into scuttling its own culture; and that although acculturation and assimilation do occur, they occur only on the individual's own terms. The awareness of such generalizations makes clear the implications of a further facet of Indian affairs that has continuing relevancy, and especially to this study, namely the Indains' position, and therefore their posture, vis-a-vis the government.

In matters that are of the most importance to them, the Indians, unlike all other Americans, do not yet enjoy self-government. They are still governed, not entirely unlike colonial subjects, by strangers whom they neither elected nor appointed and who are not accountable to them. As late as 1934 the rule of the 'governor' was absolute; since then, tribal councils, like the legislature of many modern colonies, have acquired authority over a broadening range of tribal affairs. But the 'governor' is still present with the apparatus of management and the powers of direction, influence, finances and veto to use when and where they really count. The practical meaning of this relationship of the American government to its Indian citizens in this extraordinarily late day and age was noted recently in a study titled 'The Indian: The Forgotten American,' published in the Harvard Law Review in June, 1968. Its authors, Warren Cohen and Philip J. Mause commented:

> 'The BIA possesses final authority over most tribal actions as well as over many decisions made by Indians as individuals BIA approval is required, for example, when a tribe enters into a contract, expends money, or amends its constitution. Although normal expectation in American society is that a private individual or group may do anything unless it is specifically prohibited by the government, it might be said that the normal expectation on the reservation is that the Indians may not do anything unless it is specifically permitted by the government '

The psychological implication of the Indians' status as compared with that of the rest of the American body politic loom with increasing significance in Indian affairs today, especially as larger numbers of young Indians become educated and motivated to seek the full measure of self-government enjoyed by all other Americans. To an extent, the full perspective of this 'forest-view' of all Indians is obscured by dilemmas posed by the obligatory trust function of the government. But a banker, exercising a trust function for a non-Indian citizen, applies himself only to the substance of the trust and does not govern the life of his client or necessarily manage his other affairs. One task in Indian affairs is inevitable to narrow the trustee's domain to the substance of the trust (to be discussed later) and to remove his authority from other areas. The logic of attempting to achieve such a goal can, again, only be appreciated in full by viewing the 'forest' whole, and not being enmeshed and inhibited among the trees.

2) To the incoming member of a new Administration the questions and problems of federal-Indian relations are of the here and now. Decisions concerning changes or the retention of the status quo will be made largely within the context of today alone. But to the Indian, the context is an immensely broader one and possesses a vividness and influence that often leads to the frustration and failure of policies, and programs when the non-Indian administrator fails to comprehend its relevancy. The Context is history, the details and individual steps of which may be unknown to the contemporary non-Indian official, but are still intimate and potent in Indian thinking and responses.

To the Indian, 1969 is a continuation of an unbroken narrative of policies programs and promise, often abruptly changing, disorganizating, contradictory, and unrealistic, and of people, many of them still personally remembered, who gave promises and orders and who sometimes worked for good and sometimes for harm. In Washington discussions will occur today, and policies and programs considered according to the current situation. But the Indian's mind will also be on a legacy of pacification, army and missionary rule, punishments, and repression, allotments, treaty sessions and sacred promises, laws and special rights acknowledged in return for land cessions, and orders given by the government in the 1920's, countermanded in the 1930's, countermanded again in the 1950's, and countermanded once more in the 1960's. Specifically, the Indian's response will be conditioned by the knowledge of a Mr. Smith or a Captain Jones who came to the reservation as the agent of a President in the mid-nineteenth century and told the tribal leaders something that their descendants have kept alive from generation to generation. He will colour his reactions to a proposal with the evergreen memories of battles won or lost, of injuries and injustices, of land taken from his people by fraud, deceit and corruption, of lost hunting, fishing and water rights, and of zigzag policies of administrations that came to office, just like the new one, and then left.

The full range of these influences cannot always be know or appreciated by the non-Indian, but a maximum awareness of their existance and nature will inevitably contribute to the attainment of greater realism and higher hopes of success in the conduct of Indian affairs. For the immediate future, as one example, disorientations caused by dizzying alterations in Indian policy from one administration to the next in the past warns against sharp new changes, or hints of such changes, in fundamental policies today.

3. Despite the fear of termination and various programmatic and administrative shortcomings, some of which were quite serious and will be discussed in later sections a number of profound and important improvements did occur in Indian affairs during the last eight years. One of them, fraught with significance for the future direction of Indian affairs, requires the most serious recognition.

Indians had long asserted, but usually to deaf ears, that the individual tribes knew better than the government what kinds of programs they needed and wanted, and that if they could play decisive roles in the planning of such programs, they could, with technical and financial assistance, demonstrate an ability to learn quickly to administer and execute them successfully.

This assertion was stated forcibly in a 'Declaration of Indian Purpose' by some 420 Indian leaders of 67 tribes at a gathering in Chicago in June, 1961, but, although endorsed to some extent by Secretary Udall's Task Force the same year, received no serious recognition or encouragement from the Bureau of Indian Affairs. The Indians were deemed not to know what was best for them, and programs continued to be imposed on them.

During the first years of the operations of programs of the Office of Economic Opportunity on reservations, however, what is now considered a momentous breakthrough finally did occur. Under the OEO's initial approach, based on 'maximum feasible participation' by the recipients on the programs in shaping and guiding them, tribes were asked by the new agency to frame aid programs for themselves, and when they were approved and funded, the Indians for the first time on a significant scale managed the programs and the monies allocated to them. Many of the programs were executed successfully, and numerous Indians for the first time gained confidence as well as experience in administration and management. Most importantly, Indian initiative had been mobilized and encouraged, and the new self-assurance was soon reflected in increased demands by the Indians to the Bureau of Indian Affairs and other agencies of government that the tribes be allowed to play decisive roles in the determining their own needs and developing their own programs. During the last few years the BIA and other agencies have begun to respond in a cautious and tentative manner. But negativism, outmoded regulations and crippling features of certain acts still impede the full freeing of Indian initiative and energies, and defects in the internal structure of the BIA preclude a meaningful development of Indian self-management. One of the first considerations of the new administration, would appear, is to determine not whether to accede to the historical development among the Indians, but how to do it -- a matter that will receive attention in a later section of this study.

4. In the same vein, it must be noted that the non-Indian population of the United States, reacting to a multitude of winds of change abroad in the world in recent years, is beginning to turn away from a long-held view regarding the Indian's destiny -- and therefore from what were long considered the proper policies and programs for him. From the time of Jamestown and Plymouth, the most benign attitude of the white man concerning the Indians was, assimilate or die. Missionaries and agencies of government tried to rush Indians into becoming Christianized farmers, and from the administration of George Washington until the present day national policy, stated or implicit, has been directed toward the turning of the Indian into a white man, the alternative seeming to be only continued primitivism, economic stagnation, and ultimate obliteration by white society. All programs, actions and attitudes of government have supported this policy which derived its mandate from the non-Indian population and its representatives in Congress.

At the same time, a minority opinion always existed that expressed the view that Indian progress and development, far from being assisted, was actually being crippled and delayed by the 'either-or' choice, that Indians would resist attempts to force and hurry their assimilation, and that such attempts would not only fail to achieve their purpose but were morally wrong, since no people had the right to strip a culture from another people. Inevitably, the merits of the point of view of the latter group were obscured by superficial and erroneous arguments that they were more interested in seeing Indian cultures preserved than allowing the Indians to develop, and the minority was unable to bring about a meaningful dialogue that might have produced an impact on national policy, which throughout the Kennedy and Johnson administrations continued in essence, to point toward the ultimate goal of Indian assimilation.

Of late, however, Indian articulateness, studies of Indian education, and changing attitudes among the American people concerning minority groups have combined to pose the acceptance of a different destiny for the American Indians, one in which they would be allowed to develop on their own terms and at their own chosen rate of speed - bi-culturally if they so desired -- being assisted to create a viable economic life for their people, but not being pressured to give up any parts of their individual cultures which they wished to retain, and not being urged to take on any of the dominant society's -raits which they did not want. The pros and cons of such a policy need not be argued here. But the strength, particularly among the Indians, of those who maintain that Indian self-determination is now the surest road to Indian progress and development, that it will see a new and electrifying rebirth of Indian initiative and vigor, and that its result will be the growth of viable and healthy Indian communities within the nation, has grown to the point where the new administration must take note of the areas in which it may soon engender significant confrontations.

The regions of highest sensitivity, perhaps, where appreciation for Indian self-determination has met its greatest resistance in the past are the Bureau of the Budget, The Solicitor's Office and the Department of the Interior, and the Senate Committee on Interior and Insular Affairs. Commitment by key persons in those areas to the traditional policy of assimilation-or-continued stagnation has had an enourmous influence in shaping Indian programs, for better or worse, and in defining the thrust and direction of the Bureau of Indian Affairs' conduct of Indian relations. If there is to be a change in governmental attitudes regarding the justice and potential for progress inherent in the acceptance of the Indians' right of self-determination, it will only come about because the Bureau of the Budget and the Congress have been persuaded that the traditional approach has been proved to be self-defeating. In the meantime, those areas will be expected to interpose effective blocks to measures that bear the appearance of slowing the process of assimilation, whatever their other intent may be. (One recent example may be offered: In his message to Congress on American Indian Affairs on March 6,1968 President Johnson announced that he was directing the Secretary of the Interior to establish and train Indian parent school boards for federal Indian schools. Despite the fact that this was a response to a considerable body of opinion among Indians as well as non-Indian educators, and had been recommended by a special Interagency Task Force of the federal government, it is understood that the Bureau of the Budget questioned certain remifications of the proposal and has to date inhibited the Bureau of Indian Affairs from effectively implementing the Presidential directive.)

Within the Bureau of Indian Affairs there are disciples of both policies and a dichotomy that cannot and will not endure indefinitely without producing internal conflicts in the Bureau apparatus and confusion among the Indians. The Bureau adheres officially to the traditional assimilationist point of view, but even the present Commissioner pays lip service to the Indian self-determinists, though he can do little to make it meaningful on the reservations. Some of the more forceful Bureau members in the field who would like to adapt programs and approached to the Indians' demands for self-determinations try to find small ways in which they can chip away at the old policy. The others believe genuinely in the traditional policy or try dutifully to smother their beliefs or live with frustrations about which they can do nothing.

The Indians' demand for self-determination will increase steadily but there will be many ways to move soundly with it. Perhaps the best way, short of the enunciation of an administration point of view on the subject, will be a clear and purposeful redefinement of the Bureau of Indian Affairs' functions, procedures and limits of authority, together with a restructing of the Bureau to accomodate to the changes. Though the changes would not be drastic, intentions and effects on the reservations would be altered, and a natural process tending toward increased self-determination would come into play. Any such change from the status quo would, of course, require the support of the Congress and the Bureau of the Budget and would demand that the administration play a positive persuasive role with both bodies. This subject, with recommendations, will be discussed in detail in a later section.

III. STUDIES AND MAJOR DEVELOPMENTS IN THE LAST EIGHT YEARS

'During the last eight years,' an Indian leader said recently, 'Indian policies and programs have been studied to death. What we need is for someone to begin paying attention to some of the things that the Indians recommended in those studies.'

The record provides reasonable grounds for such a complaint. The period 1961-68 saw a series of studies made, both within and outside the government, on Indian Affairs. Each of them produced numerous policy, program and administrative recommendations, many of which were afterward adopted and implemented. But from the Indian point of view, some of the most significant recommendations, especially those which had come from the Indians themselves, were never carried out because: a) their implications for the Indian people were not understood; or b) they required abrupt changes in attitude toward Indians which the government was unwilling to make; or c) the studies were deficient in that they endorsed the recommendations in principle but failed to come to grips with the question of whether the Bureau of Indian Affairs, as constituted and directed could (or would) execute the programs effectively.

The need of the present Administration to know and judge the current status and character of federal-Indian relations is an echo of a need similarly felt, to a greater or lesser degree, by each previous incoming administration. Eight years ago, when the Kennedy Administration entered office with a burst of vigor, and a spate of fresh ideas, characterized by such 'New Frontier' concepts as the Peace Corps and the Alliance for Progress, it conveyed to the American Indians its intention that they, too, would be the recipients of new and dynamic thinking and action that would strive to solve problems that had long defied solution. But the first job was to conduct a thorough study of the status of Indian affairs, and for this Secretary of the Interior Udall, as noted earlier, appointed a Task Force, consisting of its chairman, W. W. Keeler, an executive of the Phillips Petroleum Company and Principal Chief of the Cherokee Nation of Oklahoma; Philleo Nash, an anthropologist and former assistant to President Truman and Lieutenant Governor of Wisconsin who was to become Commissioner of Indian Affairs; William Zimmerman, a former acting Commissioner of Indian Affairs; and James E. Officer, an anthropologist at the University of Arizona who had come to Washington to assist Secretary Udall. In a preliminary meeting on February 9, 1961, with members of the Task Force and various officials of the Interior Department, Udall stated that his goal was 'an administrative reorganization and policy reorganization of the Indian Bureau.'

The Task Force held hearings among Indian groups throughout the country, studied the Bureau, conferred with numerous Indian interest organizations, religious groups, members of Congressional committee and their staffs, the Bureau of the Budget, tribal attorneys, private groups and individuals, members of bureaus within the Department of the Interior and other government agencies, and on July 10, 1961, submitted its report, with recommendations, to the Secretary. By then the momentum of the new administration has slowed, the Bureau of Indian Affairs had been proceeding for six months under the new administration, and the report, which was neither as fresh nor as hard-hitting as the Indians hoped it would be, was something of an anti-climax. In September, 1961, Philleo Nash was appointed Commissioner, replacing the Acting Commissioner, John O. Crow, and under Nash the Bureau adjusted gradually to a slow and piecemeal implementation of some of the Task Force's recommendations.

There is no need in 1969 to repeat the experience of the Kennedy administration of 1961 with another full-fledged, Task Force-type study of Indian affairs, complete with months of hearings and subordinate studies. A summary of the salient features of the 1961 Task Force report and of those of the other principal studies of Indian affairs of the 1961-69 period will provide a synoptic overview of federal-Indian relations as they evolved during the two previous administrations and up to today, and will document, in addition, the major policy, programmatic and administrative changes that were recommended by the studies and either adopted or ignored by the government. For the light it throws on the current status of federal-Indian policies and programs, and as a prelude to an examination of what needs to be considered in 1969, therefore, this section of the present study will review those pertinent past studies with a view to highlighting:

a) the major proposals and recommendations that were made during the last eight years:
b) the principal recommendations that were adopted as policies and programs since 1961:
c) significant recommendations that were ignored:
d) significant matters or areas of Indian affairs that were inadequately treated, overlooked or ignored by the studies, and that demand urgent consideration today.

1. Background:

The Bureau of Indian Affairs, the condition of the Indians and the status of federal-Indian relations have been studied repeatedly. The most significant study ever made, perhaps, was the Meriam Report, a survey directed by Lewis Meriam and issued in 1928 under the title 'The Problems of Indian Administration.' Its findings shocked the nation about the condition of the tribes under the allotment policy and led to the Indian Reorganization Act of 1934. Since then, important studies have included two of the Bureau of Indian Affairs, the first by the management firm of Booz, Allen and Hamilton at the close of the 1940s and the second b y the Bimson group 1953. The Organization of the Bureau of Indian Affairs, as it existed in 1961, reflected recommendations made by the Bimson report. It accommodated the Bureau to its two primary missions of the time, the carrying out of its trust responsibility and the conduct of termination-minded policies and programs. After 1965, when the Bureau acknowledged that its primary function was changing from a trust responsibility to one of community and economic development, there began a period of shuffling and rearrangement -- largely superficial -- of the Bureau's organization; but since 1953 there has been no meaningful, independent study of the structure of the Bureau.

2. The 1961 Interior Department Task Force:

Several insights regarding the status of Indian affairs in 1961 may be gleaned from a preliminary discussion between Secretary Udall and members of the Task Force on February 9, 1961, before the Task Force began its hearings. 'In terms of the money and manpower available,' Udall told the members 'there is too little of it being felt at the Indian reservation level.' Again: 'Considering the input of talent and of money, too little of it at present is getting to the Indian people themselves...It seems to me...that the bureaucracy itself is too cumbersome, that the rules and regulations, the manual itself, have become too encrusted with routine and with procedure, and that we must, wherever possible, cut through existing practices, to simplify procedures, to delegate more authority, to encourage action wherever possible at the reservation level.' Later: 'One thing that was distressing to me as a Congressman...was to find that when I went to some of the reservations and tried to work with these people on their specific problems, that I found the top Bureau people there were people who either were not attuned to the Indian people and their thinking, or who lacked the capacity to lead people, and yet I would go to the area offices, I would go to Washington, and I would find people there who have this rare gift of being able to sit down with Indian people, to inspire confidence in them, to get them to work together, to get them to make decisions...'.

At the same session, Udall told the Task Force members that, while they should test their thinking 'against the thinking of the wisest Indians and their friends, this doesnot mean that we are going to let, as someone put it, the Indian people themselves decide what the policy should be.'

Assistant Secretary John Carver, who was also at the meeting, expressed the hope 'that we will get all of our efforts directed down to the human beings who are out ultimate concern, as well as the physical resources which we manage for them,' an indication of the change that was to come eventually in the Bureau's primary thrust. W.W. Keeler noted a memorandum from James Officer which stated that he felt that the morale of the Bureau of Indian Affairs was at its lowest ebb, and stated that he agreed with Officer. Quoting from another letter, he read, 'Phillips (Petroleum) may have many vexing problems, but, oh boy the Indian Bureau have them. You will find more regulations on why Indians cannot qualify for certain services that there are grains of sand in all the seas. Many, many inspired people in the service have lived in hope, and died in despair, trying their level best to help the Indian people take their rightful place in America.'

Despite the advance concern about the Bureau and its ability to conduct Indian affairs effectively, the principal recommendations in the Task Force's Report, when it was submitted on July 10, 1961, pertained to policies and programs for the Indians, rather than psych-therapy for an ailing BIA, and reflected a cautious groping away from the termination period. The main proposals included recommendations to:

- shift Bureau emphasis from termination to social and economic development (though the immediate future was to be a 'transitional period,' and termination was still recognized as the ultimate goal)

- secure the 'aid' of Indians before carrying out programs designed for them (a braking of the imposition, Willy-Nilly of white men's ideas on the tribes, but not stated as 'the agreement' of the Indians, nor suggestive that tribes should be given decisive roles in the shaping and executing of programs).

- conduct reservation resource surveys (many of them have since been made, and others are still being made; thev are, however, of uneven quality and vary in their usefulness:)

- seek solutions to heirship problems and idle, fractionated allotments (solutions were sought, but the problems remain, still largely unsolved, in 1966);

- expand the revolving loan fund for increased credit to individuals for education, housing, and small business development (the loan fund was greatly increased and made more accessible to individuals, and special additional programs and funds became available (though often hedged with frustrating obstacles and nullifying features) for education, housing and small business development;

- establish a reservation development loan fund for tribal programs (not done, though recommended again in a later study);

- influence tribes to use claims judgement money for group development rather than for per capita payments (this became a determined Department of the Interior policy during the 1961-69 period and should be continued;)

- give more employment to Indians by returning to the force account system wherever possible (to an extent, the idea was supported, 1961-69; its remifications have broadened, and the employment of Indians on reservations continues to be a subject requiring top priority attention);

- include Indians in a proposal Youth Conservation Corps (they were later included in the OEO's Job Corps programs);

- continue programs of vocation training and relocation, but try to give Indians better orientation before relocating them, relocate them to areas closer to the reservations and eliminate the causes of grievances after they were relocated (funds for vocational training were increased; the relocation program was improved somewhat, but is still poorly designed and executed and is still a source of hardship and grievance);

- elevate industrial development to the highest plane of importance in the Bureau by increasing the budget of that branch, employing more specialists, and working with tribes to induce industry to settle on reservations (the Bureau did raise its sights, but not nearly enough: even today, with a vastly increased Bureau budget, the partnership of the EDA, funding assistance from private foundations, and the attention of specialists in the private sector, the industrial development of reservations has barely begun. Possible reasons for the slow pace of progress, and basic policy questions that still surround such development, will be discussed in a later section);

- support the establishment of an Institute of American Indian Arts in Santa Fe (this was done and, although it is still beset with funding problems it is a justifiable showpiece in the Bureau's education system and should receive increased attention and financial support).

In the field of Indian education the Task Force recommended a wide range of new activities and changed practices, from increased funds for scholarships to the encouragement of Indian parent participation in the formulation of school programs. But Indian education was scandalous in 1961 (and still is), and the Task Force failed entirely to note that fact or come to grips with fundamental problems that would impede or make impossible many of the proposals it advanced. Most of its recommendations had find ring to them and would be repeated in successive studies throughout the eight years, but with Indian education relegated to a subordinate branch within the Bureau, as it was until mid-1966 and without a single professional educator in the branch, the Task Force's recommendations were hollow and would depend for their implementation on the personal interest and intercession of the Commissioner. Little that was meaningful came of the Task Force's educational recommendations; the sores of the system have continued to fester, and the subject will receive further discussion with recommendations later in this study.

Under law and order, Task Force recommendation included the amending of Public Law 280, trasnferring jurisdiction to the states only with tribal consent; the guaranteeing of Constitution civil rights in the courts of Indian Offenses and the encouragement of the same in tribal courts; and a revision of tribal codes. (The amending of P.L. 280 and the guaranteeing of Constitutional civil rights to Indians were among six titles pertaining to Indians that were included in the 1968 Civil Rights Act that became law on April 11, 1968).

Additional Task Force recommendations urges assistance for Indians in the fields of welfare, health and sanitation, and housing (as a result of the Report, the Bureau established a Housing branch to help Indians secure funding and additional aid from other government agencies). The Task Force also recommended the establishment of an interdepartmental liaison committee in the government and a 15-member Indian Affairs Advisory Board to the Secretary of the Interior. (Neither proposal came to anything until 1968.)

Turning to the Bureau of Indian Affairs itself, the Task Force indulged in a puzzling performance of side-stepping what should have been one of the highest priorities of its study. In a preamble it notes that 'the Task Force does not consider its assignment with respect to the Bureau to be primarily that of reorganizing the Bureau structure, but rather to state objectives and examine programs in order to determine whether the Bureau as currently organized is a suitable instrument for effecting them.' In no way did the Task Force relate any of its stated objectives or programs to the Bureau's structure 'in order to determine' whether the Bureau could carry them out, but, instead after noting certain general deficiencies in the Bureau, and Indian complaints about those deficiencies, asserted in a contradiction of its earlier statement; 'The Task Force feels that when new policies have been laid down by the Secretary, programs adopted, and a Commissioner installed, further study of the Bureau structure and manual may be called for.'

Its generalized comments on the Bureau still have relevancy in 1969:

'From testimony presented during its hearings the Task Force learned of general dissatisfaction with the slow rate at which the Bureau performs its abundant paperwork. Items initiated in the field often must move through a network of reviews and appeals all the way to the Secretary's office with numerous side trips to specialists and solicitors.' (If anything, this situation is worse today than in 1961).

'We can indicate two characteristics of the Bureau's structure which inevitably produce administrative delay and poor communications between the field and Central Office. The first of these is the different organizational basis for the field and Central offices. In the field installation and area offices, the Bureau is primarily organized on a geographic basis, whereas the Central Office is organized solely on a functional basis.' (The Task Force made no recommendation of what to do about this, and to date the Bureau has done nothing about it. The situation can and should be rectified, and a recommendation will appear in a later section of this study). The Task Force went on: 'The other factor which causes delay and a breakdown in communications is the substantial layering of the Department, which complicates the route by which matters reach the Commissioner and the Secretary for decisions. The Deputy and Assistant Commissioners, the Assistant Secretary and members of his staff, as well as various persons in the solicitor's office and the Secretariat, must often become involved before the Commissioner and the Secretary make a final decision.' To cope with this problem, the Task Force recommended that the Secretary, Assistant Secretary and Commissioner of Indian Affairs study the methods used by large businesses, notably their employment of operating committees that hold daily meetings with all decision-making persons together in the same room at the same time. Nothing came of this recommendation, and the delays caused by the layering (and compartmentalizing) are as bad as in 1969 as they were in 1961, if not worse.

Of particular relevancy today were the Task Force's comments on the Bureau's area offices. 'The most frequently heard complaint about the administration of Indian affairs related to the area offices,' the Task Force reported. (The same is true today). 'Critics of the area offices seek their abolition on the ground that they interpose a barrier between the Indian and the Department in Washington and take away power and authority from the superintendent.' (The Task Force though, nevertheless, that abolition of the area offices would be impractical and would lead to poor management. After another eight years of the system, however, the question now demands a more realistic appraisal. It can be said, first, that even with the area offices, there is poor management; second, that the present structure of area offices within the Bureau organization appears to be one of the principal causes of the poor management and, in fact, makes poor management inevitable; and third, the function of the BIA is to possess good management for the sake of the Indians (who are hobbled by the area offices as they are presently organized) and not good management for the sake of good management. As long as the area offices in their present state are as thoroughly opposed as they seem to be by the Indians, they should be revised by a different structure that would provide good management and be useful to the Indians. A recommendation on this subject will be provided in a later section of this study).

After noting that the area offices should be maintained and vested with 'maximum delegations of authority' the Task Force precluded any possibility of deriving a clear directive from its findings by adding that 'The superintendent is a field agent who should have maximum on-the-spot decision-making authority.' Any reconciliation of this conflict would presumably come from an understanding by all parties of the following: area offices 'should exercise supervisory powers over the superintendencies, but they should not seek to draw to themselves direct operating responsibilities which are better performed at the local level...The solution...lies in clear objectives, specific delegations of authority, and continuous communication between all the parties in interest...to the fullest extent possible (area) delegations (of authority) are to be passed on from the area office to the superintendents. The role of the area office in providing technical services which cannot be practically provided at the superintendent's level ought to be clearly defined. Appeals should not be permitted to delay or to avoid difficult decisions.'

Whatever the Task Force thought it might accomplish with these generalized observations, it can be said in 1969 that the situation is worse than it was in 1961. The area office is all-powerful; the superintendents and Indians with whom they work are in a frsutrated and near-helpless condition as far as authority and decision-making capability are concerned; and delays and area office red tape are the rule rather than the exception. The situation needs correction and will be discussed in a later section.

Additional sections of the Task Force report urged:

-- a beefing up of the Bureau's Information Office (a small improvement was made, but the Information Office must still find the means and methods of providing information on government programs and other pertinent matters to all Indians, not alone to tribal councils and newspaper; this will be discussed later);

-- the delegating of more authority, particularly to approve tribal attorneys' contracts, to field representatives of the Solicitor's Office. (this was not done, and one Indian Title of the Civil Rights Act of 1968 was required to deal with the matter of procrastination in approving tribal attorneys' contracts. The Task Force, in addition, attempted to determine whether it was more efficient to keep the lawyers for the Bureau in the Solicitor's office or return to a former system of having them under the administrative jurisdiction of the Commissioner. Although the Indians pleaded for a return to the former system, maintaining that their viewpoints were not given adequate attention, especially when they were in conflict with some other branch of the Department of the Interior, the Task Force was unable to reach a decision and referred the matter to the Secretary);

-- diligent and vigorous work with the states and their subdivisions, to the end that Indians off the reservations are treated as are all other citizens. (The Bureau continues to maintain a weak and inhibited posture in the protection of off-reservation Indians, and a more determined attitude is required. Indian grievances concerning welfare and other rights are numerous. In 1969 new attention must be paid to off-reservation Indians and to Indians in urban areas.);

A final section of the report dealt with economic programs and other matters of special concern to Alaskan natives.

As a whole, the Task Force's report paved the way for a policy reorganization of federal-Indian relations (away from termination-mindness and toward economic development), but did not prepare the ground for the second point that Udall had mentioned to the Task Force members on February 9, 1961, namely an administrative reorganization. As a result, from 1961 to 1965 the Bureau did shift its policy direction and did adopt and begin to implement a number of important programs designed for the economic and community development of the Indian peoples, but it did almost nothing to refashion the Bureau into an effective instrument for carrying out the new policy and programs. Frustrations and delays continued, and even increased, and Indian chafing and restlessness became more pronounced.

The Indian, of course, was the object of all policies and programs. He was at the end of the administrative line and could see and feel, better than anyone else, what went wrong, day by day, and why it went wrong. Even as the Udall Task Force was at work in 1961, the Indian was trying to make his voice heard. One non-Indian group that listened to him at the time was the Commission on the Rights, Liberties, and Responsibilities of the American Indian, whose study and preliminary summary report, already cited, was issued by the Fund for the Republic, Inc. in January, 1961.

3. The Fund For The Republic Report

Many of the Fund's programmatic suggestions paralleled, or came close to parallelling those of the Udall Task Force. The most pertinent differences, however, concerned attitudes by the government toward the Indians, and the translation of those attitudes into methods for the implementation of programs.

'No program imposed from above can serve as a substitute for one willed by Indians themselves,' the report stated. 'Nor is their mere consent to a plan to be taken as sufficient. Such "consent" may be wholly passive, representing a submission to the inevitable or it may be obtained without their full understanding or before they are either able or willing to shoulder unfamiliar responsibities. What is essential is to elicit their own initiative and intelligent co-operation.' As a precondition to future programs the report recommended: 'In order that Indians may be able to make their own decisions, co-operate in the execution of a plan, and take responsibility for the result, they should participate fully at every turn. The participation should consist in working out the procedure from its earliest stages and continuing with the discussions during the maturing of the program, as well as in voting for or against the final formulation.'

The report also struck at termination without Indian consent and at attempts at forced assimilation. 'To encourage pride in Indianness is not to turn back the clock,' it noted. 'On the contrary, it is to recognize that the United States policy has hitherto failed to use this vital factor effectively as a force for assimilation and for enriching American Culture...Only men who have a foot in each way of life and an appreciation of both can effectively lessen the gap which divides the two and thus cross-fertilize both.'

Regarding the Bureau of Indian Affairs, the report took note of proposals already abroad to abolish the BIA, to shift its functions to the Department of Health, Education and Welfare, to spread it among other Federal Departments and Bureaus, or to create a new independent Indian Authority like TVA. It recommended retaining the existing setup, with the Bureau of Indian Affairs assuming somewhat altered responsibilities and functions. 'The Bureau has the decided advantage of being already in the field; it needs only revision and redirection to accomplish the purposes which the present-day situation of the Indian demands.'

Proposed revision included the following recommendations:

'The primary function of the Bureau should be an affirmative one: always to counsel and assist the Indian, not to control or regiment him. It should offer him technical advice and other help in the initiation and execution of plans for developing and managing his natural resources, for expanding his economic opportunities, for operating his government, and for bettering his living conditions. To this end, the Bureau should create a special division staffed with competent economists, planners, and community analysts.

'In addition, the Bureau...should arrange to utilize the service of skilled personnel of other government Departments and agencies as well as those in universitites and private professional organizations ...Statutes, regulations, and procedures should be altered to facilitate the tribes hiring their own technicians and counselors without the delay, hampering restrictions, and unnecessary supervision now encountered. Similarly, statutes and rules should be amended, and tribal constitutions and corporate charters should be revised to permit Indians to make their own decisions over a greater range of subjects than is now allowed. In a word, the Bureau's aim should be to let Indians conduct their own affairs as soon as possible without supervision. Accordingly, it should encourage their assumption of responsibilities for different functions on a piecemeal basis. Tribal land and resources should, however, remain under the Federal trust until the Indians, when able to hold and manage their property, decide otherwise. Administration in the Bureau and the Department of the Interior should be simplified and their regulations overhauled for greater efficiency. Outdated legislation should be repealed.'

In a final note, the Report stated: 'Under the Indian Reorganization Act of 1934 the Secretary of the Interior is required to inform tribes falling under the law as to the appropriations he will request for their projects before he submits estimates to the Bureau of the Budget. This principle of prior tribal review, now frequently ignored by the Bureau, should be enforced and extended to all tribes.'

So little attention seems to have been paid during the period, 1961-1969 to the point of view and basic ideas expressed by the Fund's report that it is questionable whether the Secretary of the Interior or the two Commissioners over read it. A weak sort of lip service can be given today to the effect that some of the proposals have received notice and have been implemented, but by and large the Report could be re-issued today and many of its recommendations would still be valid. Programs are still imposed from above, and few of the administrative proposals aimed at the Bureau of Indian Affairs have received serious attention. The Indians still have little, or no, decisive say in the budget process, and, most importantly, are hobbled and halted in their attempts to play decisive roles in the initiation, planning and execution of programs for their people.

This latter desire, recognized by the Fund for The Republic Report, as potentially one of the most energizing forces for Indian progress, has been articulated time and again by Indians to the government, and time and again has been ignored or brushed aside by the government. It was the core, perhaps of another documentary report issued at the same time that the Udall Task Force was engaged in its hearing, this one being the 'Declaration of Indian Purpose,' drawn up by more than 400 Indian leaders at Chicago, June 13-30, 1961.

4. 'Declaration of Indian Purpose':

This long report, again paralleling some of the programmatic proposals of the Udall Task Force, was the authentic voice of the Indian, proclaiming his needs, desires and proposals. Its relevancy today, like that of the Fund for the Republic Report, lies in its approaches to what the Indian should be allowed to do for himself, but it goes further than the Fund Report by stating more specifically how the Indian would like things to happen.

'It has been long recognized that one Commissioner cannot give the personal attention to all tribal matters which they deserve.' the Declaration stated. 'He cannot meet all callers to his office make necessary visits to the field, and give full attention to the review of tribal programs and supporting budget request. In view of these conditions, we most urgently recommend that the present organization of the Bureau of Indian Affairs be reviewed and that certain principles be considered no matter what the organizational change might be.

'The basic principle involves the desire on the part of Indians to participate in developing their own programs with help and guidance as needed and requested, from local decentralized technical and administrative staff, preferably located conveniently to the people it serves. Also in recent years certain technical and professional people of Indian descent are becoming better qualified and available to work with and for their own people in determining their own programs and needs. The Indians as responsible individual citizens, as responsible tribal representatives, and as responsible Tribal Councils, want to participate, want to contribute to their own personal and tribal improvements and want to co-operate with their government on how best to solve the many problems in a business-like, efficient and economical manner as rapidly as possible.

'It is, therefore, recommended that:

1) The position of reservation Superintendent be strengthened to permit broader exercise of responsibility and authority to act on significant and important matters of daily operations of Indian problems, preventing undue delay.

2) Position qualifications require the employment of Superintendents with courage and determination, among other qualities, to help with local problems and be willing to make, without further referral to higher levels, decisions commensurate with the delegated authorities.

3) Charge the Superintendent with the responsibilities of co-operating with the local tribal governing bodies in developing the Federal Program and Budget for that particular tribe or reservation.

4) Establish an Advisory Board to the Secretary (authorized by legislative authority) to be appointed by the President from various regional areas who are familiar, interested in and qualified to advise regarding Indian problems of that particular area; that one-half of the members of such board to be of Indian descent.' (This proposal became a meaningful reality in 1968, with the establishment by Executive Order of the National Council on Indian Opportunity).

The Indians' 'Declaration' went on:

'We believe that where programs have failed in the past, the reasons were lack of Indian understanding, planning, participation, and approval.

'A plan of development should be prepared by each Indian group, whose lands or other assets are held in trust, whether such lands or assets are fully defined or not; such plans to be designed to bring about maximum utilizations of physical resources by the dependent population and the development of that population to its full potential; such plans to be prepared by the Indians of the respective groups, with authority to call upon the agencies of the federal government for technical assistance, and the ultimate purpose of such planning to be the growth and development of the resources and the people;

'That requests for annual appropriations of funds to be based on the requirements for carrying into effect these individual development plans, including credit needs and capital investment and the annual operating budget for the Bureau of Indian Affairs to include sufficient funds to cover the costs of preparing plans and estimates similar in operation to a Point IV plan.'

That was in 1961. The philosophy inherent in the Indians' approach made no impact on the members of the Udall Task Force and has had little impact on the government ever since. It can never have impact as long as attitudes prevail, in the Department of the Interior, the Bureau of the Budget and the Congress, that Indians are not mature enough to be allowed to play decisive roles in managing their own affairs. The realities of the situation in 1969, however, require that those attitudes no longer prevail and that the initiative and energies of the Indians be unfettered. The Indians' 'Declaration of Indian Purpose' of 1961, which contains numerous additional policy and program proposals, but of a subsidiary nature to the expressions quoted above, is valid today and, with some additional, updated Indian proposals, could serve as a compelling guideline to new relations between the Indians the the federal government. A very important part of it would be a restructuring of the Bureau of Indian Affairs, which should come about anyway, but which would be necessary to fulfill the Indians' proposals, introduce the most necessary precondition for progress, and permit the flowering of Indian self-determination.

5. The Office of Economic Opportunity

Together with the fear of termination, the frustrations of the Indians' desires, as set forth in the Chicago 'Declaration' of 1961, underlay Indian affairs during the Kennedy administration. In May, 1964, several hundred Indian leaders, assembled in Washington in a Capital Conference on Indian Poverty, again spelled out their demands that frustrations at the reservation level cease and that Indians be given decision-making role in their own problems. The Indian's point of view coincided with that of the shapers of the new programs of the Office of Economic Opportunity that year, and, as already related, Indians at last were allowed to taste the flavor of what they had so long been seeking. To some extent, observations made in recent times concerning shortcomings of the OEO's war on poverty may be applied also to the Indian experience. There were too few programs and funds; too little emphasis on public works, enduring capital investment, jobs and lasting employment; too much waste and inefficiency; and not enough long-range commitment by the government. But the overall benefits to the Indian, both short- and long-term, were incalculable. The programs brought direct and indirect progress in many areas of Indian life; motivated people for the the first time; provided managerial experience and training; and raised the level of Indian self-assuredness considerably higher than it had been.

One result was an increase in the Indians' demands for policies, programs and Bureau reforms that would allow them to attain the goals that had been stated in Chicago in 1961. The point was still missed by the Bureau, which in 1965-66 went through a protracted change in leadership and an attempt at self-examination.

6. Bureau Leadership Change and Self-Examination

The reasons for the replacement of Commissioner Nash by Robert Bennett, which finally occurred officially on April 27, 1966, were complicated and are not entirely relevant to this study. Rapport between Nash and Secretary Udall was never good; Nash, in addition, had difficulty on Capital Hill; and when criticisms of the Bureau mounted, both from the Indians and the Congress (but for different reasons), Udall decided to make the change. Not all the fault by any means, rested with Nash, who was personally liked and trusted by many of the Indians, But the lack of rapport between the Secretary and the Commissioner, complicated by Udall's administrative methods for handling Indian affairs, resulted in considerable 'slippage' between the office of the Secretary and that of the Commissioner and Udall could not assist Nash with his problems on the Hill. There are lessons to be drawn from the experience, and the subject will be discussed again, and recommendations provided, in a later section.

The affair, as noted earlier, was accompanied by renewed termination rumors that alarmed the Indians, some of whom associated Nash's departure with the start of a new termination period. Actually, the termination talk at the time stemmed primarily from James H. Gamble, the Professional Staff Member of the Senate Committee on Interior and Insular Affairs, but the distress of some Senators with Bureau ineptitudes seemed to give support to Gamble's apparent intention of redirecting the Committee to termination-mindedness, and Indian affairs had to be diverted temporarily to reassuring the Indians.

The self-examination of the Bureau was directed by Bennett and was informal and superficial. Opinion and recommendations were sought from outsiders deemed knowledgeable in Indian affairs, but not serious analysis or studies were made. Among the proposals advanced during the discussions were the following:

1) It should be recognized that the primary function of the Bureau had changed since 1961 from a trust responsibility to that of community and economic development (this was agreed)

2) It should further be recognized that a fundamental and thoroughgoing reorganization of the Bureau's structure was needed to discharge the new responsibility (this was agreed to in principle; but the changes, when they came were neither fundamental nor thoroughgoing, as they did not begin to meet the new responsibility or solve the Bureau's worst problems)

3) There should be recognition that the reorganization must include the following:

a) The delegation of operational authority in a direct line from the Commissioner to the field (this has not been done)

b) The abolition of branches (this has not been done)

c) Area offices to be divested of line authority and oriented totally, instead, to assisting agencies to provide services; (this has not been done)

d) An increase of technicians at the agencies to serve the Indians, the Superintendent to co-ordinate their services and to be oriented, himself, to giving the Indians a maximum possible role in decision-making (this has not been achieved)

e) A new and enlarged program of recruitment of talented and enthusiastic young people by the Bureau

f) Training programs at every level in the Bureau

g) A new Division of Education headed by an Assistant Commissioner (education was raised to a Division in mid-1966 and to Assistant Commissioner level in December, 1967, but the Division's structure within the Bureau is frustrating, self-defeating, and in urgent need of reorganization)

h) Increased use of data processing systems and an effort to transfer housekeeping chores elsewhere (some improvement has occurred, though it falls far short of what might be done)

Some of the proposals listed above (3A, b, c, d) were echoes of what the Indians had intended in their recommendations in Chicago in 1961. Their failure to be carried out, even after the self-examination of 1965, leaves them on the agenda for 1969, still valid and still pressing.

7. Interdepartmental Committee (HEW-Interior) on Education

The delay in raising the Educational Division to Assistant Commissioner level in the Bureau was occasioned, in part, by the creation of an Interdepartmental Committee between Interior and Health, Education and Welfare to evaluate the problems of the Indian educational system and to determine whether to transfer Indian Education to the Office of Education in HEW. The deplorable state of Indian education and the seeming inability of the BIA to cope with the mounting problems in this field were resulting in 1966 in an increased volume of complaints and criticisms from professional educators as well as the general public. It has become a matter of urgency to question whether the Office of Education, with its expertise and potential for finding more funds than the BIA might do a better job in overseeing the education of Indian youths.

The Committee eventually recommended against a transfer, noting that HEW had never operated a school system and did not possess the personnel or fund of knowledge about Indians necessary to run a school system for them; and that although the BIA system possessed serious shortcomings, it did have a background of knowledge about Indians and could, with necessary changes and improvements, run the system as well as it might be run by HEW. The latter agency agreed that it could help BIA by providing it with expertise in some matters and funds from some of its educational programs.

The Committee's report made certain recommendations for improving Indian education, but did not examine sufficiently the many shortcomings in the Bureau's system or the defects within the Bureau's educational structure. The elevation of the Division of Education to the level of Assistant Commissioner in December 1967 was not accompanied by an adequate restructing of the system, and the problems today are as acute as ever. (The task left unfinished by the Interdepartmental Committee has been picked up by a Special Subcommittee on Indian Education of the Senate Committee on Labor an and Public Welfare. The Subcommittee held hearings throughout 1968 and its first report, with finding and recommendations, is expected in the near future. In the meantime, certain recommendations on Indian education and the restructing of the Educational Division within the Bureau will be made in a later section of this study.)

8. Senator McGovern's New Indian Policy

On October 13, 1966, Senator George McGovern introduced in the Senate a Concurrent Resolution which enunciated a new Indian policy for the nation. One of its purposes was to set at rest the Indians' renewed fears of a revival of the termination policy, but, more importantly, the Resolution provided a strong, new thrust for the goals which the Indians themselves had been proclaiming.

Among the features of the Resolution was an emphatic support of the principle of Indian self-determination. 'We should insist, 'the Senator asserted on his opening remarks, 'that reservation development plans be worked from the 'grassroots' level upward, rather than evolving as creatures of Washington superimposed on reservations with little or no Indian involvement.' Other points in the Resolution, which the Indians received with enthusiasm, focused on the potential of Indian self-help programs; the need for consistency in federal-Indian policy; the requirement of adequate federal funds and the use of services of all available government programs and agencies to assist Indian progress; the desirability of new and innovative approaches in the planning, implementation and administration of Indian programs; the need to solve problems in Indian communities and not relocate Indians to urban areas; and, finally, the necessity of achieving government efficiency in the conduct of Indian affairs.

The Resolution, which received the endorsement of other Senators, contributed to a new sense of dedication and urgency that was brought to bear on federal-Indian relations beginning in the fall of 1966. In an effort to bring the Great Society to the reservations and find the means by which to accelerate Indian progress, the White House, on the one hand, directed the Secretary of the Interior to frame a basic piece of legislation that could be sent to Congress with an accompanying Presidential Message, and, on the other, established a special Presidential Task Force, on the American Indian to study the status of Indian affairs and make recommendations to the White House.

9. The Indian Resources Development Act of 1967

The legislation, which under the above title was introduced in congress on May 18, 1967, had a torturous history. Its purpose was "to provide Indians with managerial, credit and corporate tools to enable them to participate more fully in the Nation's social, economic, education and political life, and to permit them to exercise greater initiative and self-determination." The bill was concerned essentially with financial resources for tribes and individuals, and represented the Secretary of the Interior's response to the request of the White House for a basic piece of legislation that would speed Indian progress. The trouble with the legislation, and the reason why the Congress ultimately let it die, was that it was another example of something being imposed on the Indians; vital sections of it did not reflect the desires of the Indians and ran counter to their expressions of their immediate needs. It did not relate, in short, to the realities of the Indians" needs. It did not relate, in short, to the realities of the Indians' situation.

The Interior Department began work on the bill in 1966, calling it "The Indian Omnibus Bill" because it envisioned a single wrap-up of the most pressing Indian needs. Hopefully, it was planned to make the bill the most important and encompassing piece of Indian legislation since the Indian Reorganization Act of 1934. While Department officials worked on the bill, Commissioner Bennett conducted hearings among Indian leaders in the field, inviting them to make recommendations to him for subjects to be included in the legislation. The Indians took him at his word and went to great lengths to prepare their presentations. At the hearing, they proposed a total of 1,941 separate recommendations, covering all phases of Indian affairs. While the hearings were still in progress, however, a first draft copy of the bill on which the Department had been working was made public, and disillusionment set in among the Indians, who suspected that, once again, the government had no intention of taking their recommendations seriously. Commissioner Bennett made efforts to mollify the Indians" irritation, but the truth was that the Department had its own ideas of what it intended to propose, and all that it really wanted was the Indian's agreement.

The Department did decide to drop one of the bill's original schemes to which the Indians had voiced overwhelming objections, but in May 1967 it sent to the Senate a final version of the legislation which still had not received Indian endorsement.

The bill's major emphasis was on opening new sources of financial credit for Indian tribes and individual Indians. Title I, which provided for the creation of an Indian Development Loan Authority, set up a guaranty and insurance program designed to make loans from private lenders more accessible to Indian tribes and individuals and authorized an additional $500,000,000 for both the Revolving Loan Fund, already in existence, and a new Insurance and Guaranty Fund. (Critics noted that no loan of more than $60,000 could be made without the approval of the Secretary of the Interior, a hobbling feature of the bill, and that not more than $100,000,000 of the $500,000,000 loan fund would be available to Indians during the first five years). In addition, Title I permitted tribes to issue tax-exempt bonds, but only to finance public projects. (This limiting feature, it was pointed out, would preclude the use of such bonds to finance commercial facilities needed to draw industry to the reservations.)

Title II clarified and broadened earlier provision relating to the chartering of Indian corporations and made such charters subject to the approval of tribal governing bodies.

Title III, which drew serious Indian objection, permitted tribes to require permission from the Secretary of the Interior to sell or mortgage land, provided that a sale or mortgage was authorized by the tribal Constitution or by tribal referendum, and provided also that the proceeds were invested in accordance with an approval land management plan. In addition, the Title dealt with measures to aid the Indians manage their property and conduct business, and gave the Secretary of the Interior added mechanisms for coping with small parcels of fractionated Indian land. (It did not cope with the major problems of heirship lands.)

Title IV, finally, pertained to a miscellany of matters, the chief of which was a provision for an increase of $10,000,000 for adult vocational training. Another section repealed federal laws that authorized the licensing of traders on Indian reservations. (Many tribes, on the other hand, requested that those laws be enforced, not repealed.)

Indian objections were raised principally to the sale and mortgage provisions of Title III, which seemed to guarantee the rapid alienation of Indian lands. But Sections of Titles I and IV were also opposed, and the entire bill, stirring fears that termination was its real motive, was criticized as an unrealistic attempt to solve the huge and most compelling problem of Indian life, including education, housing, health, welfare, and training through the use of limited private funds borrowed by Indians who were still ill-equiped to become borrowers. What was needed, instead, the critics charged, was a massive increase in federal funds to underwrite, adequately for the first time, the programs necessary to educate, train and raise the Indians to a level from which they could then become borrowers for the kind of uses envisioned by the bill. The Indians were particularly perturbed by the indifference accorded to their recommendations at the hearings conducted by Commissioner Bennett. Those recommendations, they believed, showed sharply the need for greatly increased government funds for existing development programs and, in their opinion, made it clear that little, if any, new legislation involving sweeping new proposals was necessary. The new ideas and directions of the Indian Resources Development Act of 1967, stirring again the fears of termination, seemed more threatening than helpful, and the Indians' objections helped doom the bill.

10. The Presidential Task Force on the American Indian

A totally different task, more in harmony with the Indians' desire for effective development programs and for adequate funding for them, was taken by the Presidential Task Force on the American Indian which submitted its report directly to the White House. The Task Force's chairman was Walsh McDermott of the Cornell University School of Medicine's Department of Public Health. The eleven other members were drawn from private industry, universities, foundations, the law, and the Bureau's educational system, and all possessed some knowledge of Indian life and problems. One member was W.W. Keeler, who had been the chairman of the Secretary of the Interior's Task Force in 1961.

The Report came closer than any study, before or since, to charting a realistic course for the government to follow in Indian affairs. It reflected, in all save one important particular, a sound awareness of the Indians' needs and desires today and provided a lengthy checklist of recommended programs. Its deficiency, if it was a deficiency, lay in its recommendation to transfer all of the functions of the Bureau of Indian Affairs to the Department of Health, Education and Welfare. This proposal was opposed at once by leaders of the House Committee on Interior and Insular Affairs, as well as by most Indian tribes (which viewed the recommendation as a move paving the way for termination), and caused the White House, despite initial enthusiasm, to shelve the entire report and forget it.

A brief synthesis of the report will be given below, but the original document deserves to be studied by the new administration, with two provisos;

1) Recognition that the present study will recommend against transferring BIA function to HEW; and 2) Recognition that the Task Force's Report, having determined to recommend transfer to HEW, did not concern itself to an appreciable degree with the BIA. Thus, it did not examine the structure of the BIA or make meaningful recommendations for that agency's more effective conduct of Indian affairs. (note: An almost exact copy of the Report was published in March 1968 by the W. E. Upjohn Institute for Employment Research as part of the paper titled 'Toward a Fundamental Program for the Training, Employment and Economic Equality of the American Indian' by Herbert E. Striner, one of the members of the Task Force.)

The Report began by proposing that the government enunciate several principles of national Indian policy in order to create a sound basis of trust between the government and the Indians. They included an assertion that the Indians and Alaskan natives were under no social pressure to be culturally assimilated unless they chose to be; a disavowal of termination as a governmental policy or goal, and a agreement that it would come to a tribe only after a long, slow process wholly initiated and carried forward by the tribe itself; recognition that Indian lands and the trust status of allotted lands were inviolate; and agreement that substantial Indian participation be involved at both the national and local levels when any new proposals or programs were contemplated concerning improvement of Indian education, training and employment or the economic development of Indian tribes.

The main body of the document dealt, first, with the need for a vastly improved Indian educational system, 'the first step in any program concerned with training and employment of Indians.' The Task Force found many serious problems affecting the education of Indian youths in both the BIA school system and state public schools and recommended that the improvement of Indian education be 'a high priority objective of the Federal Government.' It urged that the U.S. office of Education make 'greater use of its resources and contacts to bring about improvement in Indian education in the public schools,' and counseled against pressing for the transfer of Indian youths to the state public schools. Instead, it proposed the immedi immediate goal of making the federally operated schools into 'models of excellence.' It urged the esatblishment of a National Advisory Board on Indian Education (this has since been done), with whose counsel, as well as that of 'the best expert advice' in the country a plan should be prepared for implementation in five to seven years to achieve the state goal.

It was recommended that the plan pay special attention to 1) strengthening teaching staffs; 2) pupil-teacher ratios; 3) teaching English as a second language; 4) early childhood education; 5) improved curriculum, reading and teaching material, including the developing and use of materials on Indian (and tribal) history and culture and materials that reflect the cultural backgrounds of the children; 6) elimination of Indian boarding schools; 7) guidance, counseling, and mental health of Indian schoolchildren; 8) vocational education; 9) the involvement of universities to help develop curriculum, reading and teaching materials, train teachers and guidance personnel, do research, and provide technical assistance; 10) the user of federal school installations as centers, also, for adult education; and; 11) the encouragement of research and development as well as innovations in techniques and technologies.

The Task Force also recommended the establishment of all-Indian school boards for each federally operated school to involve the adults in the shaping of the educational experience of their children and to insure that the schools were attuned to the attitudes and values of the Indian communities they served, and proposed added emphasis and funding for Indian adult education and agricultural extension programs.

The Report did not examine the administrative structure of the Bureau's educational system to determine whether it could achieve the proposed goals, but implied that such a study would be one of the first objectives of the group that would prepare the plan for improvement. (Since the Task Force made its Report, the BIA has taken a few tentative steps toward implementing some of the document's proposals. But the Bureau has formulated no overall, concerted plan for improvement and has initiated no serious study of the administrative structure of its educational system. If it had done so, it would have discovered crippling and self-defeating defects within the structural organization that contribute seriously to the problems of Indian education and make solid improvement along the lines recommended by the Task Force all but impossible. This has been pointed out by a single, independent study made in 1968 by an expert in Educational Administration for the Senate Subcommittee on Indian Education and will undoubtedly be noted by that group when it issues its Report. The subject will be discussed further in a later section of this study.)

Regarding the problems of Indian employment, the Task Force reviewed the history of the relocation program and noted that various manpower training and industrial development programs and aids available to Indians through the BIA, the OEO and other agencies of the government fell far short of meeting 'the overwhelming magnitude of the employment and training task.' At the time (1967), 50,000 reservation Indians were unemployed, the Report stated, and in the next ten years at least another 10,000 jobs would have to be found.

To provide for the creation of 60,000 new jobs on reservations by 1977, the Report proposed in detail a comprehensive plan with numerous innovative features. Among them were the authorization by Congress of a federally chartered Indian Development Corporation (something like the proposal of the 1961 Task Force), 'with broad responsibility to promote economic development on Indian reservations'; the formation of tribal development corporations as the on-reservation instruments for promoting and initiating economic development; strong new incentives, including tax credits based on the number of Indians employed and rapid depreciation allowances, to attract industry to reservations; the creation of a variety of forms of credit, including the authorization of the Indian Development Corporation to issue bonds, guarantee loans to tribal corporations and individual Indians, and sell short-term securities to tribes as an inducement for them to invest funds which are now in Treasury trust funds; the planning of imaginative industrial communities on reservations to lure job-creating industries; the preparation of reservation profiles, economic surveys and project feasibility studies with grant assistance from the Indian Development Corporation; the establishment with IDC help of Indian recreation and other enterprises; and the creation of training programs for junior management and leadership positions.

At the same time, the Report recommended an immediate $20,000 on-the-job training and public works program to provide employment on reservations until the large, overall plan went into effect and made an impact, and a massive 10-year program, costing approximately one billion dollars, to provide adequate housing for Indians on reservation. (Under HAA programs then in effect, the Report pointed out, the government's attempt to provide Indian housing was'hardly more than a demonstration,' a description that still holds true in 1969 when at least three-quarters of all Indian houses on reservations are considered below minimum standards of decency.)

Finally, the Task Force made note of a number of deficiencies in the Bureau of Indian Affairs, including the lack of socioeconomic data about Indians, the total absence of any funds for research and demonstration, and the little use made of consultants. The Task Force termed these deficiencies 'shocking,' considering 'the continuity of responsibility for so many years and the extraordinary complexity of the problems for which the Bureau of Indian Affairs had been responsible.'

Noting that the Commissioner of the BIA reported to the Assistant Secretary of Land Development in the Department of the Interior, the Task Force concluded that logic dictated that transfer of the Bureau's functions from the Interior Department, whose programs emphasized conservation and natural resources, to HEW, whose programs emphasized human development. Despite a list of supporting arguments, including the belief that HEW could obtain stronger policy and technical support that Interior for Indian health, education and welfare programs, it was this proposal that brought the entire Task Force Report to nought. As already noted, opposition was registered in the House of Representatives, and Indian fears of termination were re-awakened when the Task Force's suggestion was conveyed to an Indian gathering at Kansas City in February 1967. The proposed transfer, conjuring visions of a scattering of Indian functions among many different branches of HEW and the submergence of the Indians' needs and desires among those of all other elements of the population, obscured the value of every other proposal in the study, and the White House, reacting to the opposition, quietly filed the Report away.

The Indian Resources Development Act had been introduced in Congress however, and there was still valid reason for the delivery of a Presidential Message to Congress that would bring the highest visibility to the Administration's intention to include the Indians in the Great Society. To prepare for such a Message a new Interagency Task Force was created in 1967. It was composed of officials of Interior, the Bureau of the Budget, OEO, EDA, the Labor Department and the Office of Education and the Division of Indian Health of HEW who were familiar with Indian affairs.

11. The Interagency Task Force of 1967

The Report of the new Task Force was essentially a programmatic one, proposing what seemed to be the most feasible programs that had been recommended in previous studies and dealing in detail with budgetary requirements. Generally, it sought to 'beef up' the government's commitment to Indian development by recommending increased funds for a number of programs already in operation; the extension of some of those programs; and the addition of new programs. Some of its proposals were influenced by recommendations of the Presidential Task Force's Report (for example, a Presidential address to acknowledge the Indian's right to his own identity and to pledge Federal support for Indian participation in decisions affecting him, especially in the educational process by means of parent school boards at all federal schools and other measures). But in at least two particulars it made new departures, proposing: 1) the creation of an ambudsman-like National Commission of Indian Opportunity of eight Indian leaders, with the Vice-President of the United States as chairman; and 2) keeping the Bureau of Indian Affairs in the Department of the Interior, but placing it under a new 'people-oriented' Assistant Secretary of the Interior for Indian and Territorial Affairs.

The Report of the Interagency Task Force served as a basis for the President's Message on Indian Affairs to Congress on March 6, 1968 and since many of its most salient features were included in that message, in the same or in only slightly changed form, it is unnecessary to review all of its proposals. Some of the study's sections however, which were not utilized in the Message -- particularly comments and proposals that dealt with the BIA -- require notice by this study.

The Task Force made no serious examination of the BIA's structure and paid only superficial attention to the agency. But even that limited attention was telling. In different sections of the Report, the Task Force commented:

'The need is not merely for massive welfare to raise Indian living conditions. It is rather to insure continuation of the more promising recent trends, coupled with efforts to eliminate certain residual attitudes that have in the past inhibited a sound Indian policy -- paternalism toward Indians by BIA personnel; BIA self-protectiveness, defensiveness and insularity, lack of vigor and innovativeness...

'Two principal factors inhibit further progress in promoting Indian self-sufficiency: personnel quality and a sound data base for planning and policy co-ordination...BIA recruiting is difficult. Living in remote areas -- a requirement of most of BIA's field staff -- is unattractive, with the result that BIA has a serious personnel quality problem. It has been alleged both by Indians and by non-Indian observers that too many BIA employees are timeservers, retained mainly because they are non-competitive for other jobs and willing to serve in unattractive posts with low pay for long periods. Some critics go farther, charging that BIA employees tend to have unconsciously anti-Indian attitudes -- are convinced that Indians are really incompetent, and reveal their convictions in a patronizing tutelary approach.' (This was an echo of expressions by Secretary Udall to his original Task Force members on February 9, 1961. More than six years had passed, and the situation was unchanged. Was it men who were at fault, or the machine, or both?)

'The Bureau has limited data on Indian population dynamics, income, employment, and education. The Bureau has few really reliable statistical benchmarks against which to measure progress in its program; more important, it has inadequate data on which to base development plans. In the past, BIA has also made little use of expert consultants, and has thus deprived itself of valuable knowledge...

'What is most needed now is an expanded Commissioner's staff to co-ordinate and direct Area and Division efforts while doing top level program analysis. Though BIA is rightly anxious to keep its Washington staff from growing unduly, the kind of staff outlined, with a strong emphasis on econimic, statistical, and information systems skills, would seem to be a minimum need.' (Having failed to examine the Bureau's structure from top to bottom, and especially to relate it to the Indians' needs and desires on the reservations, the Task Force did not see that it was missing an essential point; it was unwittingly recommending the reinforcement of initiative and authority at the top, the echelon of government officials and not of the Indians, rather than at the bottom where the Indians were. It reflected continued blindness to the appeal the Indians had made in Chicago in June, 1961 and to the recommendations and statements of principle concerning Indian participation in decisions affecting them that had appeared in studies throughout the 1960's and that headed this very same Interagency Task Force Report in 1967)

The Report did made a hasty and ill-conceived gesture in the direction of the new BIA activity on the reservations: 'To meet Indian families' needs at the person-to-person level, a staff of 300 generalists should be established within BIA to assist in community and social development. Each BIA field superintendent would continue to have a small staff of specialists to administer established programs and assist field representatives. But neither he nor they would exercise authority over the field representatives. Each representative would be responsible for 250 Indian families. As an average, he might visit a family three times a year, offering help and introducing opportunities of various programs. Ten per cent of BIA annual appropriation would be earmarked to finance the field representative program.' (It would be interesting to know what the Indians thought of this idea. There is no evidence that they were consulted. The proposal needs no comment here; it was not included in the President's Message.)

In summation, the programmatic recommendations of the Interagency Task Force fell far short of the massive therapy and funding which the Presidential Task Force had considered mandatory if the government were to solve the problems of the reservations. Historically, the government had never faced the awful dimensions of the Indians' plight with anything approaching realistic appropriations. If policies and programs were short-sighted, the same could be said about funding, the low level of which frequently had even been the cause of the failure of well-designed programs. Now, in 1967, the 'too little' theme was repeated, reflecting this time, to be sure, the necessity for economy dictated to all agencies of the federal government, but the lesson was there for the future: the program of the Interagency Task Force Report called for a total government expenditure for Indians, including funds for programs of the Division of Indian health of HEW and of all other government agencies serving Indians, as well as the usual sizable slice of the pie allocated for Indian education, of $525 million if FY 69, an increase of only some $76 million over the previous year. This small increase which could not begin to make a meaningful impact on Indian problems was obscured by the stirring words that clothed it when the policies and programs it was supposed to finance were enunciated in the President's Message to Congress:

12. The President's Message on Indian Affairs, March 6, 1968:

The substance of the President's Message began with these words:

> 'I propose a new goal for our Indian programs: A goal that ends the old debate about 'termination' of Indian programs and stresses self-determination; a goal that erases old attitudes of paternalism and promotes partnership self-help.'

After further spelling out the goal in terms of a raised standard of living for Indians, freedom of choice between living on reservations and in urban areas, full participation in the life of modern America, 'with a full share of economic opportunity and social justice,' and programs of 'self-help, self-development, self-determination,' the President recommended that Congress appropriate one-half a billion dollars for Indian programs in FY 69 (about 10 per cent more than in FY 68, but some 25 million dollars less than the Interagency Task Force had recommended.)

The Message went on to announce that the President was issuing an Executive Order to establish a National Council on Indian Opportunity (the Ombudsman-like group that the Interagency Task Force Report had recommended), composed of the Vice-President of the United States, who would be its chairman, the Secretary of the Interior, the Secretary of Agriculture, of Commerce, Labor, HEW, and HUD, the Director of the OEO, and six Indian leaders appointed by the President for terms of two years. The council's functions as an interagency liaison and co-ordinating group were 'to review federal programs for Indians, make broad policy recommendations, and ensure that programs reflect the needs and desires of the Indian people. 'Most important,' the President stated, 'I have asked the Vice-President, as Chairman of the Council, to make certain that the American Indian shares fully in all our federal programs.' (The creation of the Council was a healthy development in Indian affairs. It was actually stronger than the somewhat vague 'National Advisory' group that Indians had been recommending since 1961. If it functioned well, it had the potential of truly representing the Indians and making the BIA and other government agencies accountable to it -- and to its Indian members -- for the manner in which federal-Indian relations were conducted. The Indians recognized this point and greeted the creation of the Council with enthusiasm.)

Other principles, stated before, but reflecting the solid progress that had been made in government attitudes since 1961, were re-enunciated:

-- 'The greatest hope for Indian progress lies in the emergence of Indian leadership and initiative in solving Indian problems. Indians must have a voice in making the plans and decisions in programs which are important to their daily life.

-- Many tribes have begun to administer activities which federal agencies had long performed in their behalf (either through contract with the government, which provided the funds, or with funds from their own treasury)...Passive acceptance of federal service is giving way to Indian involvement.

-- More than ever before, Indian needs are being identified from the Indian viewpoint -- as they should be.'

The programmatic portion of the Message dealt first with Indian education. Legislation, already enacted by Congress for all Americans, including the Elementary and Secondary Education Act, the Education Professions Development Act, the Vocational Education Act, and the Higher Education Act, were to be made responsive to Indian needs. The Secretary of the Interior and the Secretary of HEW were to bring their influence to bear on improving the education of

Indian youths in state and local public school systems. Funds would be requested to make the Head Start Program available to 10,000 Indian children in 1969 and to establish kindergartens, employing local Indian teacher aides as well as trained teachers, for 4,500 Indian youngsters in September, 1969.

An effort would be made to establish 'a model community school system for Indians.' It would have 'the finest teachers, familiar with Indian history, culture and language; feature an enriched curriculum, special guidance and counseling programs, modern instruction materials, and a sound program to teach English as a second language; and serve the local Indian population as a community centre for activities ranging from adult education classes to social gatherings.' Larger staffs of talented and dedicated teachers and other professionals would be funded by a requested appropriation of 5.5 million dollars. Indian school boards, selected by their communities and given special trainings, would be established for federal Indian schools. A special Upward Bound program would be set up for Indian high school students; an effort would be made to assure that regular scholarship and loan programs of the government would be made available to Indian high school graduates; and the two million dollar college scholarship program for Indians would be increased by one million dollars in 1969, to include also living allowances for Indian students and their families.

In the field of Indian health, the President proposed an increase in health programs by about ten per cent, to 112 million dollars, in 1959, with emphasis on child health programs. 'Community participation components' would be built into every possible federal health program for Indians, and funds would be asked to train and employ more than 600 new Indian health aides, including nursing assistants, health record clerks, medical-social aides and nutrition workers, to serve the Indians in their communities.

Turning to jobs and economic development, the President noted that nearly 40 per cent of the labor force on Indian lands was chronically unemployed, compared with a national unemployment rate of 3.5 per cent; that a third of the Indians who did work were underemployed in temporary or seasonal jobs; and that fifty per cent of Indian families had cash incomes below $2,000 a year, and 75 per cent below $3,000.

The President recommended an increase (to 25 million dollars) of funds for Indian vocational training; the inclusion of Indians in the Department of Labor's Concentrated Employment Program; the passage of the Indian Resources Development Act of 1967, then pending in Congress (to develop sources of credit); and the authorization of 20 million dollars annually, beginning in FY 70 to expand the program of road construction on Indian reservations.

An attack on Indian substandard housing would include the doubling of Congressional appropriation for an Indian home improvement program and increase by an additional 1,000 units (to a total of 2,500) in 1969 of new Indian homes to be built under HUD programs; legislation for additional low-cost housing aid and the extension of Farmers Home Administration loan programs to tribal lands; the review of construction standards for Indian homes to permit flexibility of design and construction which would not have to meet unrealistically rigid specifications, and the exploration of new low-cost techniques of construction suitable to an accelerated Indian housing program.

Economic Opportunity Act programs for Indians would continue; an additional 3 million dollars (to a total of 13 million) would be asked for safe water and sanitary waste disposal facilities on reservations; and the Council on Indian Opportunity would be asked to study the problems of Indians living in urban areas and report to the President on actions required to meet their special needs.

The Indian Rights Bill, pending in Congress, was supported (it was passed in April as part of the 1968 Civil Rights Act), and several recommendations were made applying to the native people of Alaska. They included support of legislation to "give the native people of Alaska title to the lands they occupy and need to sustain their villages; give them rights to use additional lands and water for hunting, trapping and fishing to maintain their traditional way of life, if they so chose; and award them compensation to commensurate with the value of any lands taken from them."

As a whole, the President's Message was more a statement of goals and principles than a satisfactory blueprint of methods and means by which to achieve the goals. In some areas the programs fell far short of requirements. (Instead of drawing upon the detailed and comprehensive training, employment and economic development proposals spelled out by the Presidential Task Force Report, the President relied basically on Congressional passage of the Indian Resources Development Act to provide the foundation for making the reservations economically viable. The shortcomings of that Act, as well as the Indians' opposition to it, have already been noted, and the President would have been better advised to look beyond that Act for answers to the Indians' pressing needs of jobs and training.) In a similar vein, other worthwhile recommendations that had been made by the two Task Forces, particularly the Presidential Task Force, were overlooked.

At the same time, the only slightly increased level of funding was hardly enough to support many of the programs that were proposed and was totally unrealistic if a meaningful impact was going to be made on the worst problems. Sights were scarcely raised in the field of housing, and many of the fine goals for education would remain simply goals.

Finally, the President's silence about the BIA was deafening to critics of that agency. Many of the President's aims and programs, particularly in the field of Indian education, were unattainable, not alone because the funding for them was too low, but because the Bureau's structure and administrative operations would preclude their effective realization.. Without attending to the defects in the Bureau, the agency's malaise, noted by the Interagency Task Force, would continue, making much of the President's Message mere rhetoric.

13. Recent Developments

Since the President's Message, the principal development in Indian affairs has been a special study on Indian education by a Subcommittee of the Senate Committee on Labour and Public Welfare. The Subcommittee held hearings and examined the condition of Indian education in various parts of the country during 1968, and, as a result of a decision in January 1969 to extend the Committee's life by six months, will continue to hold hearings in Washington and in the field well into 1969. The Subcommittee's hearings have drawn attention anew, and with a sharp appeal to public opinion, to many of the deplorable conditions that were pointed out by earlier studies and, in addition, have focused on defects and deficiencies in the Bureau's educational system that were not previously highlighted. Among the present aspects of Indian education with which the Subcommittee's Report may be expected to deal harshly are the ineffective and self-defeating structure of the BIA's educational Division; the irreparable harm being done to Indian youths and their families by boarding schools, the inattention to the causes of self-hatred, alienation, and mental distress of Indian school children; the lack of professional educators, useful data, and desire to use the fullest help of consultants within the Bureau; the failure to integrate mental and other health specialists in the school system; the indifference to the poor education given Indian youths by state and local school systems; the absence of materials, curricula, and trained teachers to convey a knowledge of Indian and tribal history and cultures to the youths so as to instill in them pride about their own backgrounds, and thus give them a sense of identity; and the failure to utilize the Institute of American Indian Arts as a training project for the rest of the Bureau's school system.

It has been noted already that certain long-sought goals in the field of Indian Rights were attained by enactment of the 1968 Civil Rights Act.

Finally, the Statement on Indian Affairs given by President Nixon to the National Congress of American Indians on September 27, 1968 heartened all the tribes and created a sound basis for harmonious and progressive federal-Indian relations during the term of this Administration. In response to the realistic understandings reflected by that Statement, which paralleled in many ways the best features of the Presidential and interagency Task Forces of 1966-67 (the particular features, with recommendations, will be discussed in a later section of this study), the Executive Committee of the National Congress of American Indians in January, 1969, submitted the following recommendations to the New Administrations:

1) The retention of the present Commissioner of Indian Affairs;

2) The continuance and funding of the National Council on Indian Opportunity, which 'can be a vital mechanism for Indian involvement in their own progress';

3) The appointment of an Indian to the Indian Claims Commission;

4) Discouragement of proposals to abolish the Bureau of Indian Affairs or disperse its services among other government agencies;

5) Legislation, instead, to make the Bureau an independent commission or agency;

6) A reorganization of the Bureau to eliminate useless office support, excessive reporting requirements and red tape, and provide direct access to top administrators;

7) The addition of an Associate or Deputy Commissioner in the Bureau for the affairs and problems of Indians in urban areas;

8) The establishment of a committee or commission, with the representation of responsible reservation Indian leaders, to study the operation of the Bureau, with emphasis on a stuy and evaluation of the Bureau's budget process; on the bilding of "empires" by the branch Chiefs; and on the waste resulting from present line-item-functional appropriations;

9) The granting of veto power to tribal governing bodies during the local agency budget submittal process;

10) The diversion of funds now used to maintain the Area Offices to tribal governing bodies, or to Agency Superintendents, to contract for private professional services and technical advice desired by the tribes and subject to Indian leadership approval;

11) The reorganization of Agencies to change the present structure which calls for an Agency Branch to complement every Washington Branch Chief, whether or not it is needed on a particular reservation, and to include an effective combination of facilities and services for that reservation;

12) The granting of working capital and equipment which will permit tribes to function economically when they enter into contracts with the BIA; also the understanding that under contract arrangements the tribe should receive a fair return, not be expected to pay sub-standard wages, and not be given only 'the dirtiest, smallest and most difficult jobs,' but be encouraged to accept major tasks that may require them to develop their own staffs of skilled experts;

13) The improvement of payment procedures and the continuity of appropriation, and the ending of excessive supervision and red tape requirements in connection with contracts.

The proposals, in sum, reflected the Indians' desires in 1969 for a meaningful acceptance of the principle of self-determination. Indians are more ready than ever to play decision-making roles at the reservation level. To meet their needs the reorganization of the Bureau, so that its services, facilities and decision-making capabilities can be face-to-face on the reservation with the Indians becomes a matter of first priority.

'The change of the present Area-Agency system is the most expedient route to take' in achieving Indian progress, the NCAI's 1969 Statement concluded, adding as a reminder that old fears are still present: 'If the Bureau of Indian Affairs is abolished or its services fragmented it will again jeopardize, and in many cases it will terminate the present services of the Federal government. It will be termination in disguise.'

14. A Summation:

A brief conclusion from the above record of what has, and has not, occurred during the last eight years illuminates the following:

1) Both the appropriation and functions of the Bureau of Indian Affairs have increased greatly, and many other federal agencies, including the OEO, EDA, HAA, the Office of Education, and the Labor Department, now share the reservation scene with the BIA;

2) The BIA's greatest expansion has occurred in the fields of education, vocational training and placement, housing, and industrial and community development, and is evidence that a change in its orientation from the primacy of its trust function to that of development has become an established fact;

3) The obligations conferred by the trust function still require the wielding of authority over other matters by Bureau officials and result in many of the conflicts between the Bureau and the Indians, as well as much of the BIA's negativism and delays. Increasingly, the Indians are requesting the right to assume full responsibility for the management of their income and final authority over such matters as attorney contracts, tribal codes, and constitutional actions -- while having their lands continue inviolate in trust status;

4) The principle of self-determination has been accepted and is already being applied in small ways on some reservations. The BIA has begun a trend of negotiating with tribes to permit them, through contracts, to provide some services; this too is encouraging the process of self-determination. But Indian participation and decision-making are still the exception and are being frustrated and denied too regularly by the Bureau's present organization;

5) At the same time, the BIA's structure will leads to a malaise within the Bureau as bad as eight years ago that positively holds back progress;

6) The top priority is for a change in the administration of Indian affairs to accelerate Indian progress and achieve the maximum effective implementation of Indian policies and programs by utilizing and not impeding the Indians' development of self-determination.

IV. POSITIONING INDIAN AFFAIRS IN THE FEDERAL GOVERNMENT

This study now addresses itself to specific recommendations for a course upon which to embark in 1969, including:

- the positioning of the administration of Indian affairs within the government

- the reorganization of the BIA's structure

- programmatic approaches

This section concerns the first of those items.

# # # # # #

Much thought, time and energy have been expended in the past in trying to determine where best to place the administration of Indian affairs within the Executive branch of the government. The fund for the Republic Report in 1961 examined proposals 'to improve the administration of Indian affairs' that included abolishing the BIA entirely, with no substitute; transferring it entirely to HEW; spreading its functions among other federal departments and bureaus (law and order to Justice, forestry to agriculture, etc.) creating an independent Indian authority like TVA; or transferring responsibility to the States (termination). It decided that the best answer was to keep the BIA where it was in Interior, with the Bureau 'assuming somewhat altered responsibilities and functions. The Bureau has the decided advantage of being already in the field,' the report added. 'It needs only revision and redirection to accomplish the purposes which the present-day situation of the Indian demands.' (The Bureau stayed in Interior, but, as we have seen, was not revised or redirected.)

In 1966 an HEW-Interior Interdepartmental Committee turned down a proposal to transfer the BIA's educational function to HEW, as noted in the previous section. The BIA's health function had been transferred to the Public Health Service in HEW in 1955 but the circumstances were different. The Public Health Service had an established, operating and highly professional apparatus that could accomodate itself to enfolding a Division of Indian Health; there was no established school structure or experience in operating a school system in HEW's Office of Education.

Nevertheless, in 1966, too, the Presidential Task Force, as also related, made a strong proposal to transfer Indian affairs in total from the Interior Department, whose programs emphasized conservation and natural resources, to Health, Education and Welfare, whose programs were concerned essentially with human development. The functions of the BIA were not to be scattered among the various branches of HEW, but were to 'be transferred to a single new agency' in that Department, with a 'direct reporting channel to the Secretary probably through an Administrator for Indian Affairs.' An important point, not articulated by the Task Force's Report, but obvious to many of its readers, including the leadership of the House Interior and Insular Affairs Committee, whose opposition to the proposed transfer went far to bury the entire Report, was that the separation of the Indians from the Interior Department implied, as well, the transfer of Indian affairs to other Committees in Congress and to other sections of the Bureau of the Budget. This may, indeed, have been a motive of the Task Force, for the Interior Committee of Congress and the Interior section of the Bureau of the Budget, no less than the Department of the Interior, are also oriented primarily toward natural resources, rather than human development.

Following the shelving of the Presidential Task Force's Report, the Interagency Task Force recommended keeping the Bureau of Indian Affairs in the Department of the Interior, but placing it under a new 'people-oriented' Assistant Secretary of the Interior for Indian and Territorial Affairs. This was not accepted by the White House, and in January, 1969, Indian leadership, through the National Congress of American Indian, proposed to the New Administration the establishment of the Bureau as an independent commission or agency.

The primary urgency in Indian affairs facing the new Administration in 1969 is the reorganization of the present Bureau of Indian Affairs, as stated in the previous section. How to accomplish that most smoothly and effectively to assist the Indians must determine where the administration of Indian affairs is to be positioned.

This study recommends that a meaningful and determined reorganization of the administration of Indian affairs, together with the providing of an effective Administration thrust to go forward to the opportunities of tomorrow and not simply solve the problems of yesterday, can only be accomplished by moving the Bureau of Indian Affairs to the Executive Office of the Presidency, for the objectives of Indian affairs in 1969 require nothing less than the priority, mandate and visibility which the President himself can give them.

It is further recommended that the terms 'Bureau' and 'Commissioner', in connection with Indian affairs, be recognized as outmoded, and that, with the move, the Bureau's name be changed to the Office of Indian Affairs or Indian Services or Indian Development, or to the Indian Services Administration, (etc.) and that the title of the present Commissioner be changed to Administrator.

The principle argument for this recommended move is stated in the proposal above, but a strong supporting argument can be made that the eye and watchfulness of neither the Department of the Interior nor the Department of Health, Education and Welfare (should the Bureau be moved there) are strong enough to enforce the thoroughgoing prescription for improvement which the Bureau and its conduct of Indian affairs require. The form, in short, will change, but the effectiveness of application will still be less than what is needed. The effect on the Indians themselves should not be underestimated. The proposal is in line with the President's own concern for the problems of minority peoples, but in addition, the transfer would convey to the Indians his determination to place their affairs on the highest level of governmental commitment possible and to bring to an end the problems that for so long have made them the 'poorest of all poor' Americans. In proposing an independent commission or agency, the Indians were striving to extricate themselves from a submerged and unjustly competitive position in the Interior department. A wholesale move of the Bureau to HEW would not necessarily improve their competitive position, and undoubtedly would result in generating shock waves of termination fears that would renew resistance to programs and again retard development. The transfer of the Bureau to the Executive Office of the Presidency, on the other hand, accompanied by a reorganization of the agency's structure, the resultant ending of some of the worst practices of patronage now felt particularly at the area level, and the moving of Indian affairs to other Congressional Committees and another section of the Bureau of the Budget, would inevitably provide a dramatic stimulus to Indian self-confidence and an inspiration to the invigoration of Indian initiative, motivation and energy.

The other options, though less desirable, should be mentioned:

1) The Bureau can remain in the Department of the Interior and be reorganized along the lines proposed in the next section of this study. If that occurs, the relationship of the Bureau to the rest of the Department must be changed. The Bureau is presently under the Assistant Secretary for Public Land Management, and receives short shrift both from him and from the Secretary who are more proccupied inevitably with questions of natural resources. Delays are frequent, and negativism, stemming from the long delays in getting decisions from both officials, emanates back to the Bureau from the Assistant Secretary's administrative assistant, whose personal power of influence in Indian Affairs is not generally recognized. At the same time, the ability of the Secretary to play a decisive role in Indian affairs is weakened when he goes through the Assistant Secretary for Public Land Management to the Commissioner of Indian Affairs. The record of the last two administrations was one of continued poor communications and 'slippage' between the Secretary and the Bureau. On many occasions, the Secretary gave orders, only to discover months later that nothing had been done, or, in some cases, that the exact opposite of what he had requested had taken place. As President Truman once pointed out, this is a fact of government life, but it is a grave and often crippling flaw in the conduct of Indian affairs and will be a disadvantage in any attempt to carry out a meaningful reorganization of the Bureau of Indian Affairs within the present structure of the Department.

It is recommended, therefore, at the very least, that if the Bureau remains in the Department of the Interior, it shoud be placed under an Assistant Secretary for Indian and Territorial Affairs, who can give the proper attention to decision-making at the topmost level of the Department.

At the same time, delays occasioned by the Solicitor's Office of the Department must be ended. This is an administrative matter, and the Secretary himself ought to address his attention to the problem and find the methods to correct it as promptly as possible.

2) The primary responsibility for Indian affairs can be transferred to the Department of Health, Education and Welfare. If this is to be done, a re-reading of the first two sections of this study is recommended. A deliberate and careful effort will have to be made to win the Indians' understanding and agreement. The fears of termination will have to be recognized, and the Indians will have to be persuaded that their concern, not alone about termination, but that they will be submerged and placed in a disadvantageously competetive position for services with non-Indians who greatly outnumber them, is genuinely groundless. It is questionable whether this can be guaranteed, and whether competition for programs and funding, as well as a deterioration in the recognition of the uniqueness and special position of the Indians, will not create new areas of conflicts and problems.

If the move to HEW is made, all the functions of the BIA, including education, should be transferred to a single new agency under an Assistant Secretary, or at a minimum, an Administrator for Indian Affairs in that Department. Practical as it may seem to the non-Indian unfamiliar with Indians, a scattering of the functions through the different branches of HEW and/or to other agencies should not occur. The shock to the tribes would be enormous, and Indian progress would come to a halt. Instead, the single new agency in HEW should be structured along the lines recommended in the next section, and its positioning in the government made thoroughly familiar to the Indians as soon as possible.

Notice should be taken of the Indians' reflection of fears of disorienting moves which they registered through the National Congress of American Indians in January 1969 when they stated: 'Indian people have never been successful in competing for services through other government agencies, and the services received from these agencies have been very small or practically nil...Politically and socially it is almost impossible for the Indian to compete for services among other federal agencies...'

Finally, if the Bureau restructing is done effectively, it can be done as well in Interior as in HEW. Funding for the Indian agency may come easier and with more largesse in HEW than in Interior, and liaison with nearby specialized human development branches in HEW may be more effective and helpful than the long-range liaison now required between the BIA and certain branches in other agencies. But there is no necessity that requires the BIA to continue either with inadequate budgets or with inefficient liaison with other agencies simply because it is in Interior. The lack of commitment of previous administrations permitted the persistence of under-funding of Indian programs and inefficient interagency liaison, and, partly as a result of both, the legacy of Indian neglect continues to be a shameful blot in 1969.

3) The remaining option is to find the means to create an independent agency or commission, not in the Executive Office of the Presidency. This would not have the impact or commitment which Indian affairs truly require in 1969 but it would extricate the Indians from old adversaries in Congress and the Bureau of the Budget, would raise them from their present submerged position in a Department oriented toward non-Indian matters, and might place them in a better competitive position for government services available to all Americans. The proposal has never been thought out, and if it is to be pursued, full and frank discussions regarding all its remifications should be conducted between the National Council on Indian opportunity and the Indians who offered the proposal.

The future positioning within the government of the 5-member Indian Arts and Crafts Board, whose budget is included within that of BIA, but which reports directly to the Secretary of the Interior rather than the Commissioner of Indian Affairs, should be determined after a decision is made about the future location of the BIA. If the BIA is transferred to the Executive Office of the President or to HEW, it could continue to carry the budget of the Arts and Crafts Board, but the Board itself, which has proved a case for being independent of the Commissioner, should be consulted for its advice concerning the officer in government to whom it should report.

V. THE BUREAU OF INDIAN AFFAIRS

The Bureau of Indian Affairs was created in the war Department in 1824 and in 1849 was transferred to the Department of the Interior. It is organized today on three levels, or echelons, that are vertically segmented by numerous Divisions grouped according to functions into offices.

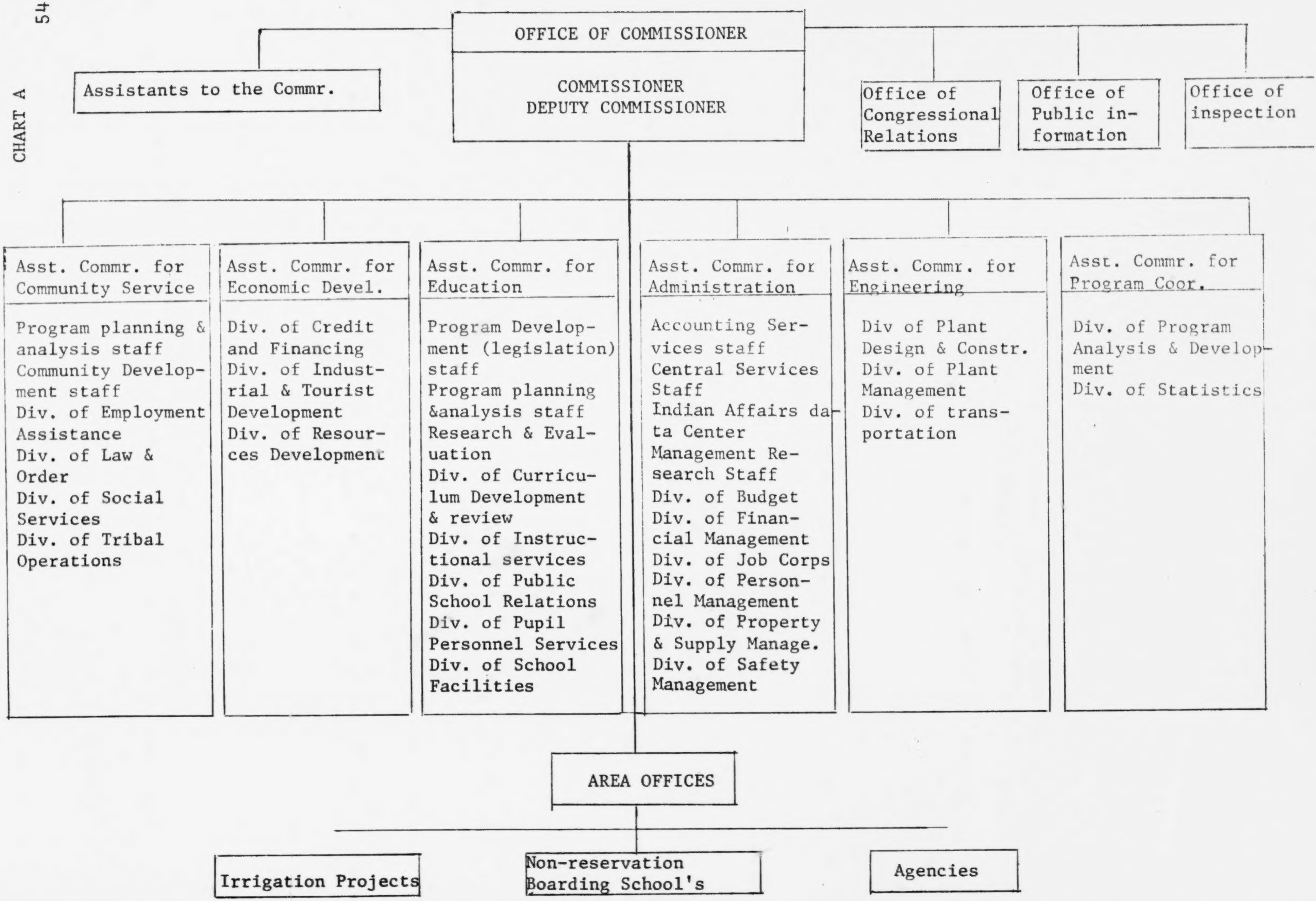
The headquarters in Washington, with about 500 of the Bureau's total 16,035 full-time employees in FY 68, consists of the Office of the Commissioner (with a Deputy Commissioner, Assistants to the Commissioner, and Offices of Congressional Relations, Public Information and Inspection); three program Offices (Community Services, Economic Development and Education), each under an Assistant Commissioner; and three supporting staff offices (Administration, Engineering and Program Co-ordination), each also headed by an Assistant Commissioner. The three program offices and three supporting staff offices each contain staff sections and a varied number of Divisions, which heavily compartmentalize the each of the other two echelons. (See attached charts A and B., showing present Bureau structure).

The intermediate level, or echelon, is that of the area offices (eleven at the time of this writing) which have broad deligations of authority as well as supervisory responsibility over the agencies and field installations (the third echelon) in their areas. The area offices are headed by Directors, and the echelon, as noted, is also segmented into area counterparts of the many Divisions (also known as branches) of the six program and staff offices in Washington. Area branch officers, headed by Area Assistant Directors who are subject to their Divisions and offices in Washington, have authority, in turn, over counterparts in the third echelon who are grouped around, but are not responsible to the reservation, or agency superintendent. Besides the reservations, the schools and other installations on the reservations, the third echelon includes off-reservation boarding schools and independent irrigation projects administered by the Bureau.

In FY 68, more than 9,000 of the Bureau's personnel and $138.2 million (55 per cent of the Bureau's $250 million budget) went into the education function. HEW's Division of Public Health employed 5,740 people for Indian health services, with a $91.3 million appropriation. Thus two-thirds of the personnel and funds expended on Indian affairs that year by the principally involved agencies went into education and health services. (The total funds

CHART A

ORGANIZATION-BUREAU OF INDIAN AFFAIRS



OFFICE OF COMMISSIONER

COMMISSIONER
DEPUTY COMMISSIONER

- Assistants to the Commr.
- Office of Congressional Relations
- Office of Public information
- Office of inspection

Asst. Commr. for Community Service
- Program planning & analysis staff
- Community Development staff
- Div. of Employment Assistance
- Div. of Law & Order
- Div. of Social Services
- Div. of Tribal Operations

Asst. Commr. for Economic Devel.
- Div. of Credit and Financing
- Div. of Industrial & Tourist Development
- Div. of Resources Development

Asst. Commr. for Education
- Program Development (legislation) staff
- Program planning &analysis staff
- Research & Evaluation
- Div. of Curriculum Development & review
- Div. of Instructional services
- Div. of Public School Relations
- Div. of Pupil Personnel Services
- Div. of School Facilities

Asst. Commr. for Administration
- Accounting Services staff
- Central Services Staff
- Indian Affairs data Center
- Management Research Staff
- Div. of Budget
- Div. of Financial Management
- Div. of Job Corps
- Div. of Personnel Management
- Div. of Property & Supply Manage.
- Div. of Safety Management

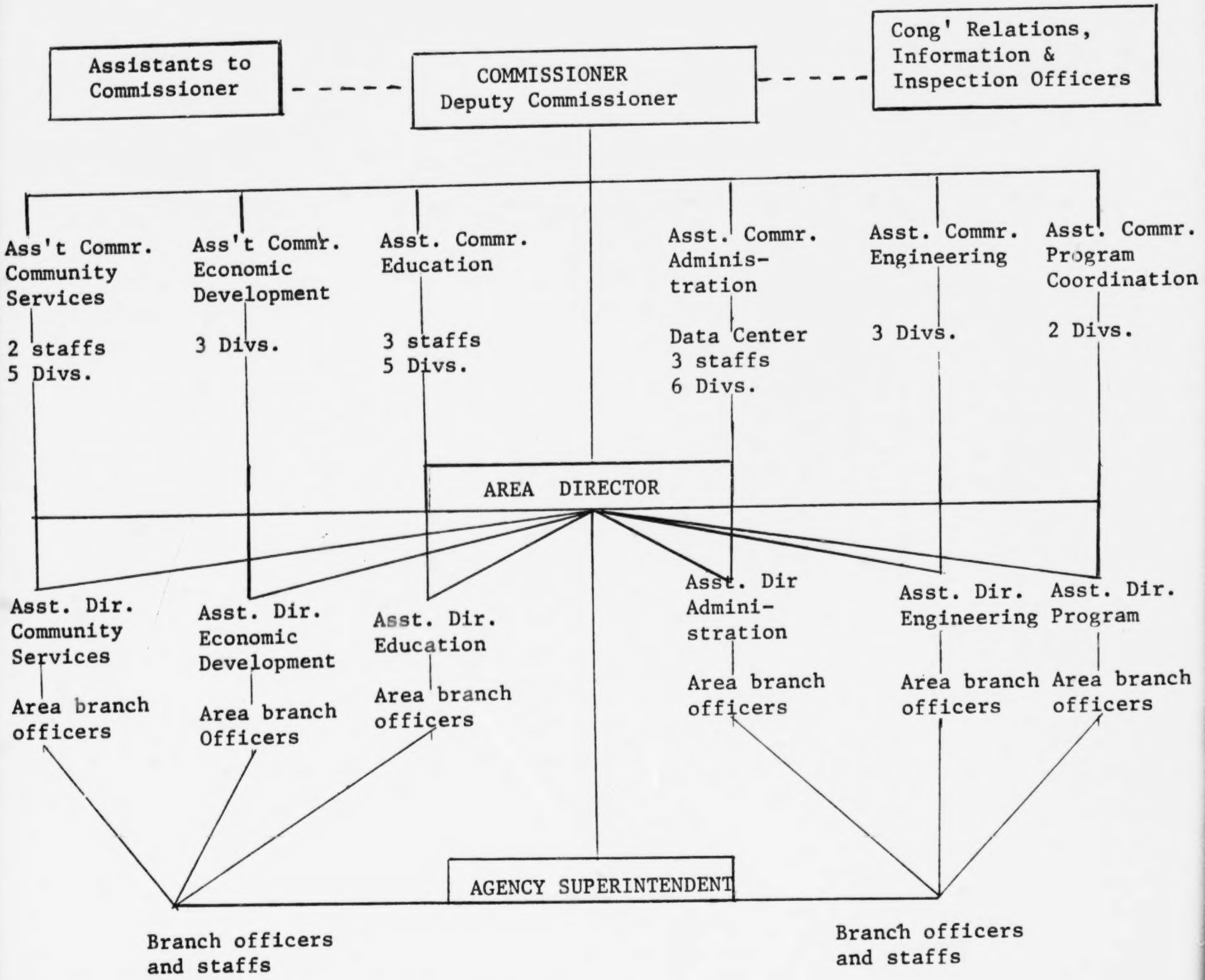
Asst. Commr. for Engineering
- Div of Plant Design & Constr.
- Div. of Plant Management
- Div. of transportation

Asst. Commr. for Program Coor.
- Div. of Program Analysis & Development
- Div. of Statistics

AREA OFFICES
- Irrigation Projects
- Non-reservation Boarding School's
- Agencies

CHART B

PRESENT STRUCTURE OF THE BUREAU OF INDIAN AFFAIRS


Assistants to Commissioner
COMMISSIONER
Deputy Commissioner
Cong' Relations, Information & Inspection Officers
Ass't Commr. Community Services
2 staffs
5 Divs.
Ass't Commr. Economic Development
3 Divs.
Asst. Commr. Education
3 staffs
5 Divs.
Asst. Commr. Adminis-tration
Data Center
3 staffs
6 Divs.
Asst. Commr. Engineering
3 Divs.
Asst. Commr. Program Coordination
2 Divs.
AREA DIRECTOR
Asst. Dir. Community Services
Area branch officers
Asst. Dir. Economic Development
Area branch Officers
Asst. Dir. Education
Area branch officers
Asst. Dir Admini-stration
Area branch officers
Asst. Dir. Engineering
Area branch officers
Asst. Dir. Program
Area branch officers
AGENCY SUPERINTENDENT
Branch officers and staffs
Branch officers and staffs

appropriated for the Bureau of Indian Affairs in FY 69 were $258.2 million; the amount requested in the budget for FY 70 by the Bureau is $289,1 million, which primarily reflects a $14 million increase for education and a $20 million increase for adult vocational training, certain cuts being made in other items, chiefly the construction of buildings and utilities.)

It may be argued that the decentralized structure of the Bureau, as outlined above and seen on the accompanying charts A and B is necessary for good managements. But, in practice, it is management for checks, balances, caution, resistance and delays, and not for decisiveness and action. The 'layering' and compartmentalizing which require actions moving up and down to go sideways also, back and forth, on each layer, result inevitably in slowness, frustrations and negativism, as well as a continuing Niagara of studies, assessments, opinions and reports. The Bureau in consequence is literally drowned in paperwork, while on the reservation level the Indians wait.

This cannot be, and is not, good management. In December 1968 Leon Ovsiew, professor of Educational Administration at Temple University analyzed the administrative structure, budgeting practices and certain personnel factors of the Bureau of Indian Affairs, as they pertain to the education function, for the Senate Subcommittee on Indian Education. His study was so perceptive in pointing out the root causes of the Bureau's structural defects that, although his report referred primarily to the educational function of the Bureau, certain excerpts from it, with the alteration of a few words, should be read and re-read as being relevant to the Bureau as a whole:

'The primary characteristic of a viable (Bureau organizational structure) is that leadership efforts should be both encouraged and rewarded. Though no one would be naive enough to believe that any structure alone can make leadership flourish, it is nevertheless true that structure can frustrate leadership. A good structure can do more; it can encourage good people with ideas to cast their fate with the organization for the rewards of accomplishment. In any event, if a structure actually hinders the exercise of leadership, it needs changing to a structure which encourages it. No principle of organization can be more certain.

'How does the present BIA structure constrain and impede the exercise of leadership? By the quite simple process of making every idea, every experimental hypothesis, every possible adaptive change (and every programmatic or other action for decision) run the gauntlet of (area branch personnel, a generalist area director, Washington Division personnel, and an Assistant Commissioner, all of whom possess authority over the specific reservation matter question) and whose short budgets and spending leeways make new ideas less attractive than the non-postponable functions. Forced to use an influence pattern for getting whatever consideration of their change-ideas they can, officials (wishing to move things along) must learn to lose more often than they win, and especially to lose the big ideas. It takes only a little empathy to understand the frustration this perception causes for people who know that little ideas can never hope to win the battle against the inadequacies...

'There is another, more subtle point about the uses of a decentralized structure. In theory, a major advantage of decentralization is that it permits a freer exercise of political democracy. Opportunities exist when administrative decision are made close to the point of their implementation for the people affected by them to affect the decision...It would be satisfying to be able to note that such an advantage inheres in the BIA administrative structure. But the route upward through the echelons seems to be no less difficult than downward for personnel at least on the things that matter most. The BIA's philosophy of organization derogates the (grassroots Indians, specialists and co-ordinating administrator in favor of echelons of administrators and absentee specialists higher up.)

'The BIA structure is designed more than most for stability. It is doubtful that very much could be done with or to the people in the organization, given the present structure, to encourage innovative practice...one thing does seem certain; the present structure not only serves to reward unagressive behaviour and docility but punishes, usually by transfer, those who persist in behaving like leaders. The reward system of BIA discourages leadership, on purpose. *It is, therefore, not possible to conceive of change and improvement within the present structure.*' (italics added)

These findings, to repeat, were addressed primarily to the organization of the Bureau's educational system, but they apply with equal vividness to the Bureau's entire structure. On the reservation level where Indians are trying to participate constructively to help frame, design and execute programs to meet their problems, they are hamstrung and frustrated daily by an endless round of delays and negativism occasioned by the internal workings of the higher echelons of the Bureau. The effect is that the Indians cannot participate in making decisions for themselves, for in meaningful things, the decisions cannot be made at their level, Government protestations in support of the principle of self-determination notwithstanding, the important decisions must be and are made -- under the present arrangement -- in the echelons above the Indians.

Such a system, as noted, defeats the personnel within the system. There are undoubtedly weak, poor and inefficient men within the Bureau. Some enter the system, especially at the area level, by patronage; some should never have been employed by the Bureau; some are poor because of inadequate training and orientation after they were employed: and some were good originally but, after many frustrations and defeats, gave up. The Office of Inspection in the Commissioner's Office, which is charged with the obligation to 'identify and correct any operational weakness which might reflect upon the efficiency or integrity of the Bureau' gives little evidence of ability or determination to carry out its mission. One of the scores of 'weaknesses.' with which it appears unable to cope, is the continued presence within the Bureau of key personnel who long since should have been removed from it. The Commissioners themselves should bear a large portion of the blame for not having found the means by which to remove inadequate personnel. Indian children are being emotionally disabled for life by the ignorance of unfit people in the Bureau's educational system. Many members of Indian communities are driven to desperation, some even to suicide, as a result of ineptitude, indifference or lethargy on the part of a poor superintendent or area official. Yet the record of the 1960's contains documentation of Commissioner Nash turning down Indian appeals to relieve them of intolerable agency personnel by telling them that he would not remove a man while he was under fire, and of Commissioner Bennett answering tribal complaints of frustration and negativism with the retort that he was not interested in discussing 'criticism of the BIA.' The self-evident fact that the Commissioner and the Office of Inspection have not acted determinedly in this matter is an added reason for transferring the Bureau to the Executive Office of the Presidency, where some of the unspoken forces that presently account for the Commissioner's inhibitions, including the pressure of patronage demands and the rigid dicta of Civil Service -- neither of which should be viewed as anything but evil when the lives and health of American citizens, and especially children, are at stake -- can be better dealt with.

At the same time, it should be recognized that the Bureau contains many more persons with exceptional ability and talent and a high degree of dedication. When the Indians criticize them, they are, in truth, criticizing a structure that binds and frustrates its personnel. That such persons remain in the Bureau and continued to do their best is a testament to the intensity of their commitment. 'Many, many inspired people in the service have lived in hope, and died in despair, trying their level best to help the Indian people take their rightful place in America', it will be recalled that W.W. Keeler told Secretary Udall in 1961, when his Task Force was about to begin its work.

Neither that Task Force, nor any of those that followed it made the proposal which this study now believes is mandatory, namely that:

Wherever the present Bureau of Indian Affairs is positioned within the government, its structure must be thoroughly reorganized.

The form of that reorganization must satisfy two principal goals: a) it must end the Bureau's present defects that have been noted above; and b) it must achieve the transfer of a maximum of technical services, facilities and decision-making capabilities to the reservation level, face-to-face with the Indians.

At the present time, adecision for a meaningful proposal that originates after a meeting between the Indians and a branch officer on the reservation faces a long, torturous route: from the branch officer to the agency superintendent to the area branch officer to the area assistant director to the area director to the Division in Washington to the Assistant Commissioner to the Commissioner, and perhaps higher still. Eventually it starts down again, following the same zigzag route. Even this is a simplified version, for it may be sidetracked at any step along the way into the offices of other branches and to solicitors.

The recommendations made to the Commissioner of Indian Affairs during the self-examination of the Bureau in 1965-66 (p. 39 above) and those that were made in January 1969 by the National Congress of American Indians (pp. 63-64 above) reflected an experienced, reservation-based awareness of why things happened as they did. The malpractices that they were intended to correct were many, but one example will suffice. In the budget process, each agency, in theory prepares its own budget, which is then evaluated by the area office and consolidated into an area budget, then submitted to the Washington office for similar evaluation and consolidation. In practice, guidelines based upon previous budgets are determined in Washington, and allocations are actually dictated and controlled by the Divisions as entities rather than by the agencies at the operational level. For example, if a superintendent decides that the budget of one branch on his reservation should be cut and in other increased in order to serve a tribe more effectively, the offended branch sends word up through the line to its Division chief in Washington who then informs the superintendent that if his branch does not need the money in his agency, it will be transferred within the same branch to another agency. Under this system, considerable time and energy that should be spent on service at the operational level are expended in conflicts between the Division hierarchies on the one hand, and the superintendents and area directors on the other. At the same time, the system often results in the presence on reservations of branch specialists who are not needed and, conversely, of not enough personnel or funding for branches that are badly needed. No wonder the National Congress of American Indians asked for the granting of veto power to tribal governing bodies during the local agency budget submittal process (p. 46) and 'the reorganization of agencies to change the present structure which calls for an agency branch to complement every Washington branch chief, whether or not it is needed on a particular reservation and to include an effective combination of facilities and services for that reservation!'

It is recommended, therefore, that the reorganization of the strucutre of the Bureau follow the form of the attached Chart C Its principal proposals, some of which, though recommended in the past with good reason, have up to now been ignored and should no longer be thrust aside, included;

-- the elimination of the Office of the Assistant Commissioners for Community Services and Economic Development, together with all the staffs and Divisions in those Offices;

-- the readjustment of the present Offices of the Assistant Commissioners for Administration, Engineering and program Co-ordination as guidance, co-ordinating, budgeting, administration and management arms of the Bureau, reporting to the Commissioner;

-- a separate structure for the Assistant Commissioner for Education, who would report to the Commissioner, but would retain his present staffs and Divisions, and would have direct line authority to all elements of the educational system, as well as co-ordinators with area and agency programs, tribes, and state and local school systems;

-- the addition of regional co-ordinating desk officers, reporting to the Commissioner, but without line authority;

-- the addition of an Office of Urban Indian Affairs, concerned with the problems of urban Indians and reporting to the Commissioner;

-- the retention of area offices headed by Assistant Commissioners, but the elimination of all branches at the area level and the reorientation of the area office's function to that of providing guidance, advice and assistance to reservations; and

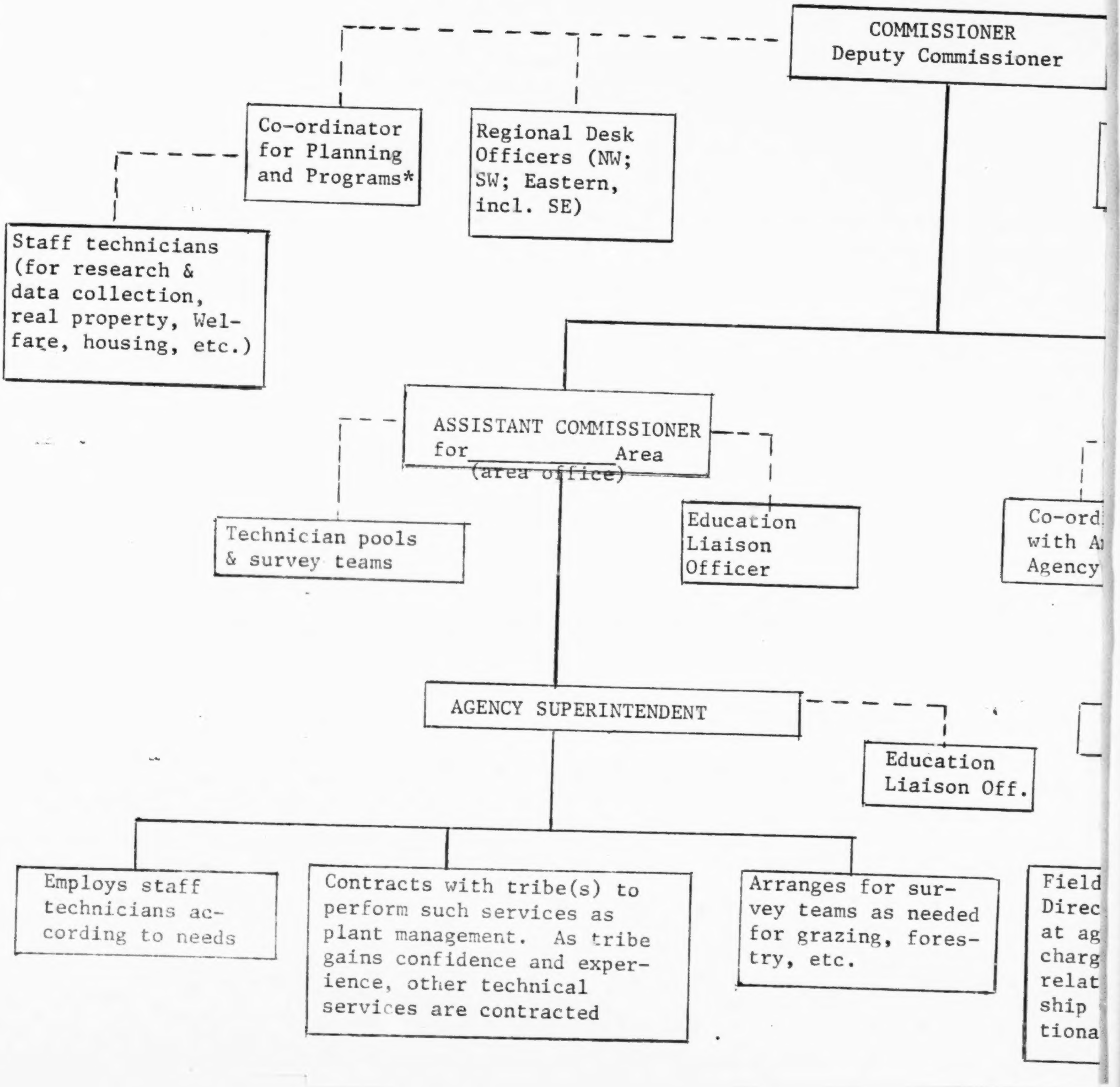
-- the focussing of primary operational attention on the reservations by placing all specialists, save those in education, on the reservation and giving the superintendent authority over them and their budgeting, and a direct line via the area Assistant Commissioner to the Office of the Commissioner.

(See Chart C - following page)

This system would eliminate all but one of the conflicting branch hierarchies and give the agency superintendent the line authority responsibility and flexibility essential for effective operations at the service level. Changing the title of Area Director to Assistant Commissioner for a given area would enhance the line of authority from the Commissioner to the operational level and would discourage the additional interposition at the Washington office of line officers between the Commissioner and the field. (The miscellaneous agencies now reporting direct to Washington should be assigned to an Assistant Commissioner for the East and Southeast, and the Mississippi Choctaw Agency should probably be transferred to this jurisdiction.)

(Note: the titles Commissioner and Assistant Commissioner, used herein should be changed eventually, as previously recommended to Administrator and Assistant Administrator.)

SUGGESTED STRUCTURE FOR THE BUREAU OF I


COMMISSIONER
Deputy Commissioner
Co-ordinator for Planning and Programs*
Regional Desk Officers (NW; SW; Eastern, incl. SE)
Staff technicians (for research & data collection, real property, Welfare, housing, etc.)
ASSISTANT COMMISSIONER for ____________ Area (area office)
Technician pools & survey teams
Education Liaison Officer
Co-ord with A Agency
AGENCY SUPERINTENDENT
Education Liaison Off.
Employs staff technicians according to needs
Contracts with tribe(s) to perform such services as plant management. As tribe gains confidence and experience, other technical services are contracted
Arranges for survey teams as needed for grazing, forestry, etc.
Field Direc at ag charg relat ship tiona

HE BUREAU OF INDIAN AFFAIRS

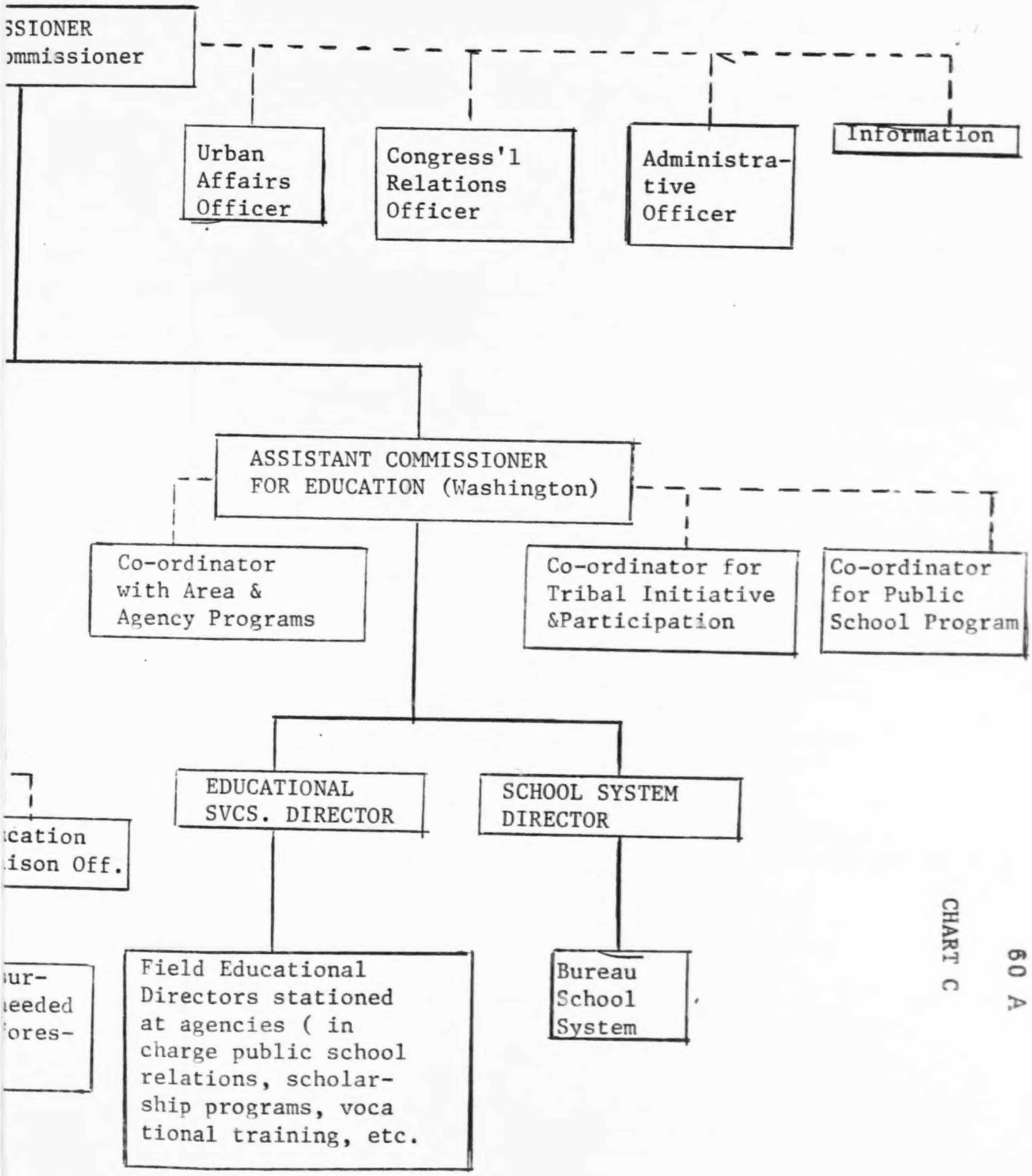

SSIONER
ommissioner
Urban Affairs Officer
Congress'l Relations Officer
Administrative Officer
Information
ASSISTANT COMMISSIONER FOR EDUCATION (Washington)
Co-ordinator with Area & Agency Programs
Co-ordinator for Tribal Initiative &Participation
Co-ordinator for Public School Program
EDUCATIONAL SVCS. DIRECTOR
SCHOOL SYSTEM DIRECTOR
cation
ison Off.
ur-
eeded
ores-
Field Educational Directors stationed at agencies (in charge public school relations, scholarship programs, vocational training, etc.
Bureau School System

CHART C

Regional desk officers in the Commissioner's office would have no line authority. Their function would be to keep abreast of programs and developments in the field, area by area, thus serving the Commissioner as a constantly available source of co-ordinated information on relative progress among the areas, as well as providing background for evaluating new developments.

The retention of an Assistant Commissioner for Education and the transfer of the school system and other education services, as well as the Institute of American Indian Arts, which now reports to the Commissioner's Office, to his separate line of authority must have high priority attention. It will provide for the first time the structure needed to reform the Indian educational system and allow the unified planning of policies and the execution of professionally planned programs. It will permit the establishment of uniform educational standards and a unified administration of them. At the same time, it will relieve the superintendents and area directors of extremely burdensome administrative problems relating to the Bureau schools, educational services and public school relations, for which they have no professional training, and will permit them to concentrate on tribal development programs. Potential hazards that might stem from this separation can be met by giving the Assistant Commissioner co-ordinators with area and agency programs, and the Area Assistant Commissioners and agency superintendents education liaison officers, as indicated.

The assignment at the area level of technicians and survey teams, as also indicated, would help to solve theproblem of permanent staffs of technicians who languish at agencies where their services are only seasonally or temporarily needed (i.e., foresters). Buildings and their maintenance could be taken over by the tribes under contract (this is already being done in at least one area). Needed new buildings could be supplied by the tribes, working through GSA, using money borrowed on the basis of long-term rental contracts. Consideration should be given as to whether the agencies should retain the authority for making such arrangements for school buildings, as well as other Bureau plants.

This reorganization is long overdue, and there will be an understandable tendency to resist carrying it out now, or to go at it gingerly in bits and pieces that may bring more harm than good. An improvement in the conduct of Indian affairs and an acceleration of Indian development rest almost entirely on a reorganization such as this one, however, even though it may be viewed as an impolitic answer and may mean the elimination of jobs that are found to be unnecessary. There will be no time like the present to accomplish the task, and when it is undertaken, it should occur under a vigorous and determined Commissioner with a mandate from the president.

On the reservations, the reorganization will bring about a new set of relations. The Indians will truly be encouraged to work up programs for themselves with the co-operation of the superintendent and the aid of specialists. They will be in a new position, one in which they will be able to play a decisive role in the framing of the agency budget, based entirely on reservation needs, and to submit the budget for review and co-ordination in Washington, as they have wished. The layering and compartmentalizing that now deadens initiative and energies on the reservations will have disappeared and the Indians in fact will have been unfettered.

In addition to Bureau reorganization the following recommendations are also made:

-- The National Council on Indian Opportunity which has already proved its value should be continued with its present functions adequately funded;

-- Training programs, and adequate orientation seminars in Indian (and tribal) history and cultures should be set up and carried out systematically for Bureau personnel who work at every level of the Bureau;

-- Superintendents, area heads, and the new Office concerned with urban Indian affairs should be directed to seek from the tribes and Indian communities the most effective methods by which information about government programs can be communicated to the individual Indians.

A crippling problem on many reservations, as well as off reservations, is that many Indians do not know what programs are available to them (for education, Welfare, economic development, etc.) and do not know how to go about getting help that they need and that actually could be given to them. It should be a prime function of the Information Office of the Bureau to get such information to the entire Indian population and, with the help of the Indians themselves and the field officers of the BIA, arrive at the most effective ways to circulate that information with maximum 'reader impact.' For instance, the radio and television media might be used more effectively than they are now.

-- Contracts with tribes must be accompanied by improved payment procedures, a continuity of planning and programming, the ending of unnecessary supervision of necessary working capital and equipment, and an agreement that tribes should receive a fair return, not be required to pay sub-standard wages, and be offered projects that will require them to develop their own staffs of skilled personnel. In this regard, it should be noted that some tribes badly need the means by which they can hire permanent employees (i.e., a tribal business manager or executive secretary) to provide a continuity of development and to service programs. This lack of continuity in some tribal governments has been another obstacle to the growth of initiative and to economic development. It would be a breakthrough if budgeting could provide for the tribal hiring of the Indians' own needed technical or professional employees. Priority might be given for one such employee a piece to be provided to those small and impoverished tribal groups that have been so completely stymied by this lack.

-- Attention should be given and steps taken to end the Bureau's deficiencies in the field of research and development; in the lack of meaningful and adequate data on Indians and Indian affairs; in the use of consultants and non-government experts; and in the modernization of its administrative, fiscal, record-keeping, and other management practices.

-- Indian affairs should be headed by an Indian, but he should possess all the qualities of dedication, determination, knowledge and vigor that the leadership of the federal conduct of Indian affairs now requires. Indians should also be placed in as many policy- and decision-making positions within the Bureau as possible. Moreover, if the Bureau is kept within the Department of the Interior, the Secretary should have an Indian staff assistant primarily responsible for liaison with the new Assistant Secretary for Indian and Territorial Affairs, the BIA, and Indian affairs generally.

VI. PROGRAMMATIC RECOMMENDATIONS

It is certain that the worst problems afflicting American Indians will never be ended without programs that are adequately funded. It is accepted that the Indians do not have the funds themselves and that they do not have access to the sources of credit that are usually available to other Americans. But the actual funding of programs for Indians by the government has never approached the level required by the massive dimensions of the problem.

A few of the facts obscured by the promulgation of intentions in President Johnson's Message on Indian Affairs on March 6, 1968 underscore the point. The Message conveyed proposals for many new or expanded programs which, somehow were to be financed by only a ten per cent increase in federal expenditures for Indians above the appropriations of the previous year. One of the proposals was for a ten per cent increase in funds for health programs, including a number of items that would make available to the Indians greater numbers of trained personnel to help cope with the many serious health problems on the reservations. Before the year was over, the exact opposite had come to pass, and the Public Health Service was pointing out that, under Section 201 of the Revenue and Expenditure Control Act of 1968, Public Law 90-364, the Division of Indian Health was facing a reduction of almost 1,000 employees, or one-sixth of its total staff, principally among nursing personnel and other patient care supportive staff in the field. A reduction in staff is now occurring on reservations and in Indian hospitals, not only nullifying the promise held out in President Johnson's Message, but bringing a new crisis to the Indians. (Corrective legislation, it hardly needs pointing out, is required at the earliest possible moment).

Again the inadequacy of funding a program to deal effectively with another pressing problem is evidenced in the field of Indian housing. The Presidential Task Force had reported to the White House that at least three-quarters of all Indian houses on reservations were below minimum standards of decency and that over a 10-year period roughly 100,000 units, 'of which approximately 80,000 are new, would have to be provided for the housing needs of the Indian population.' The President's response to the Task Force's assertion that this would require a 10-year program costing approximately $1 billion was to propose an increase of only 1,000 new Indian homes (for a total of 2,500) to be built under HUD programs in FY 69.

The American taxpayer may wonder with increasing impatience why Indian problems are not solved and why expenditures for those problems continue to mount each year. One demonstrable answer is that the expenditures have never been high enough to do much more than keep the problems going. In the years after the Indians' pacification, the appropriations barely met the minimum subsistence needs of the Indians. In more recent years, with an increasing Indian population and a growing complexity of reservation problems, the appropriations have risen, but consistently have stayed well below a level needed to carry out intentions. It may be impossible because of higher priority needs elsewhere in the federal budget and the consequent requirement for economy in the Indian budget to attempt to solve the Indians' problems once and for all with the same kind of massive appropriations that have characterized the most ambitious aid programs for some of the underdeveloped peoples overseas. But it should be emphasized that the Indians are Americans, and that until a similar approach is adopted for them, Indian programs will continue to limp along, and Indian development will proceed at an unsatisfactory pace. In addition, because of the rapid increase in the Indians' population, there is every prospect that their economic, educational and health levels will drop steadily behind those of the rest of the population, and that each Administration will leave the Indians worse off, in relation to the rest of the American people, than it found them.

Adequate funding, therefore, should be a major concern of every Indian program.

During the 1960's as noted in Section III of this study, numerous programs were proposed for every phase of Indian development. They reflected long and expert consideration, and the best of them in each field cannot be improved upon by this study. Some guidelines and suggestions, however, concerning their re-evaluation can be proposed at this time, with the added observation that the most realistic proposals and approaches for programs in the future should, and undoubtedly will, originate at the reservation level and not in Washington.

This study believes that the best and most comprehensive programmatic approach to Indian affairs today is contained in the Report of the Presidential Task Force in 1966 (pp. 33 to 37 above) and that its program recommendations should be exhumed and considered.

The principal need of the Indians is jobs, which will break the cycle of poverty and encourage Indian self-confidence. But 'the first step in any program concerned with training and employment of Indians,' the Task Force pointed out, was a vastly improved Indian educational system.

The Task Force's educational recommendations, as re-iterated in other Reports noted in Section III of this study, and supported by the reorganization of the Bureau's educational structure as recommended in Section V of this study, should be carried out. In addition, the Bureau's Educational Division should establish and fund a Cultural Institute in Alaska, modelled after the Institute of American Indian Arts in Santa Fe, for native children in Alaska, as recommended by the Indian Arts and Crafts Board to the Secretary of the Interior in 1968.

With regard to economic development, the goal of reservation programs should be the establishment of reservations as viable economic bases for the growth of healty, self-governing, self-sustaining Indian communities within the body politic of the American nation.

As a guide for the determination of economic development programs, the Presidential Task Force's proposals under the headings of Employment, Incentives to Attract Industry, The Indian Development Corporation, Planning, and Leadership and Training should be studied. Programs should be developed with the Indians that point the way to vastly increased vocational training; tax credits and other incentives to attract industry; carefully planned and innovative industrial centers on or near reservations that will not create slums and new problems; adequate loan funds to finance tribal enterprises; and the creation of a variety of forms of credit for tribes and individual Indians. An Indian Development Corporation, with functions as proposed by the Presidential Task Force, should be considered as the instrument by which to achieve a maximum number of these goals.

In the meantime and until long-range programs such as the above begin to have a marked impact on the reservations, a determined effort must be made to provide training and jobs as quickly as possible for 50,000 unemployed Indians on reservations.

This effort should include adequately financed reservation public works programs in which Indians receive jobs and training on recreational development, home building, road, conservation, and other community improvement projects. Programs, developed at the reservation level, should be designed to put unemployed tribal members to work. The funding should come from increased reservation budgets, or from programs of other government agencies, or from a combination of both.

The planning and application of all economic development programs, long- and short-range should reflect the Indians' own needs, desires and cultural traits. By bringing the Indians into the planning and decision-making process, programs need not fail, as they have in the past, because they ignored such factors as the types of industry or activity most attractive to the Indians (i.e. outdoor-oriented enterprise) or tribal cultural traits (i.e., group, rather than competitive, orientation that makes it difficult for some Indians to assume positions in which they must direct, persuade or give order to others).

Finally, in such fields as health, housing and welfare, the types of programs needed have been blueprinted in the most recent Reports (the Presidential Task Force, the Interagency Task Force, the President's Message, etc.) noted in Section III of this study. What is required in these fields above all else is commitment with adequate funds to bring an end to the long-endured problems.

In conclusion, a long, hard look should be taken at the conflicts that arise between the BIA and the tribes and Indian individuals as a result of the trust function of the government. Almost every day disputes occur between Indians and BIA personnel over leasing, grazing, permits, rights-of-way wills, use of income, tribal budgets, judgement funds, details of tribal government, approval of attorney contracts, tribal resolutions, ordinances and constitutional amendments. All of these confrontations stem from the large field of responsibilities and obligations given by law to the trustee.

With minor exceptions, the Indians desire the federal government to continue to provide its trust protection for their lands, and the government must continue to give that protection. But it should be possible, by amending the Indian Reorganization Act and other pertinent statutes, to reduce the number of ancillary obligations and responsibilities of the trustee. In their drive for self-determination and self-government, tribes will press increasingly for the right to program their judgement funds, have authority over their budgets and assume full responsibility for the management of their income, the making of contracts with attorneys and the framing of tribal codes, resolutions and constitutional actions. Without abandoning the trusteeship protection of lands, the government should be in a position to be able to transfer those other responsibilities, piecemeal or in full, to tribes deemed ready to assume them. For some tribes, that day may already have arrived, and the continued denial to them of rights they are able to exercise for themselves may be viewed as the most stultifying of all the obstacles that inhibit them on their road to development.